NEW EDITION

OF THE

BABYLONIAN TALMUD

Original Text Edited, Corrected, Formulated, and Translated into English

BY

MICHAEL L. RODKINSON

First Edition Revised and Corrected

BY

THE REV. DR. ISAAC M. WISE

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Volume I.

TRACT SABBATH

SECOND EDITION, RE-EDITED, REVISED AND ENLARGED

NEW YORK
NEW TALMUD PUBLISHING COMPANY
1342 CLINTON AVENUE

EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.

2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.

3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waïbayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.

4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.

5. Words or passages enclosed in round parentheses ( ) denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [ ] contain commentaries by authorities of the last period of construction of the Gemara.

TO

EDWIN R. A. SELIGMAN, PH.D.

PROFESSOR OF POLITICAL SCIENCE AT COLUMBIA UNIVERSITY

IN RECOGNITION OF

HIS WARM INTEREST AND VALUABLE SERVICES IN PROMOTING THE STUDY OF LITERATURE, AND HIS GREAT INSTRUMENTALITY IN ASSISTING YOUNG MEN AND WOMEN TO BROADEN THEIR MINDS, AND REACH A HIGHER SOCIAL PLANE, AND FOR HIS MANY WORKS FOR THE COMMUNAL WELFARE, ESPECIALLY THOSE IN BEHALF OF THE

EDUCATIONAL ALLIANCE

THIS VOLUME IS MOST RESPECTFULLY DEDICATED BY THE

EDITOR AND TRANSLATOR

MICHAEL L. RODKINSON.

June 15, 1901.
New York City.

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PREFACE TO THE SECOND EDITION.

THE translator of the Talmud, who has now reached the thirteenth volume of his task, covering twenty-one tracts of this great work, certainly cannot point with any great pride to the fact that this is the second edition of his translation which first appeared in 1896, for he believes that the opening and bringing to light of a book so long withheld from the gaze of the curious, and even the learned, should have attracted more attention and deserved greater consideration than it has received. However, he is glad to see that thousands of readers have at last taken advantage of the opportunity of looking into the "sealed book," and to such an extent that second editions have become necessary, both of this volume and of the Tract Rosh Hashana of the fourth volume, which he has reëdited and enlarged upon, adding many historical facts and legends, so that they now appear as practically new works.

This is certainly an encouragement to him to continue his work, with the hope that in time it will gain the proper recognition and proper attention which he thinks this great work of the sixth century should receive at the hands of all scholars and even laymen.

In revising this volume the translator had in mind the many criticisms which have been passed upon his effort and which have appeared in various papers throughout different countries, but he gave his attention to those only which were not prompted by animosity and jealousy. He begs to call the attention of all critics to the dictum of the Talmud, "Kal Hat'haloth Kashoth" (all beginnings are difficult); for, bearing this in mind, they would no doubt have been more moderate.

The translator will be very grateful to critics who will call his attention to any mistakes made in the translation of the original text. However, he will positively ignore criticisms of the kind described above.

The translator further hopes that this and the succeeding volumes will meet with the favor and approval of the public, which will be sufficient reward to repay him for his efforts.

M. L. R.

NEW YORK, June, 1901.

EDITOR'S PREFACE.

[*To the first edition.*]

THE Hebrew edition of Rosh Hashana contains an elaborate introduction in three chapters, the translation of which does not appear as yet. Its contents include many important rules which we have followed in the entire work, but we do not feel called upon at this time to engross the time of the English reader by reciting them. We, however, deem it a duty to say a few words, so that the reader may understand our position and the reason why we have undertaken a work which will probably be productive of much adverse criticism in certain quarters.

The fate of the Talmud has been the fate of the Jews. As soon as the Hebrew was born* he was surrounded by enemies. His whole history has been one of struggle against persecution and attack. Defamation and deformation have been his lot. So, too, has it been with the Talmud. At the beginning of its formative period, viz., the development of the Mishna, it was beset by such enemies as the Sadducees, the Boëthusians, and other sects, not to mention the Roman Government.† When its canon was fixed, the Karaites tried to destroy or belittle its influence, and since that time it has been subjected to an experience of unvarying difficulty. Yet, with remarkable truth, the words of Isaiah [xliii. 2] may be applied to both: "When thou passest through the waters, I will be with thee; and through the rivers, they shall not overflow thee; when thou walkest through the fire, thou shalt not be burned; neither shall the flame kindle upon thee." There is, however, one point concerning which this simile is not true. The Jew has advanced; the Talmud has remained stationary.

Since the time of Moses Mendelssohn the Jew has made vast strides forward. There is to-day no branch of human activity in

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* *Vide* Genesis, xliii. 32.

† In our forthcoming "History of the Talmud" the reader will find all details of the persecution, until the present time, in twenty chapters.

which his influence is not felt. Interesting himself in the affairs of the world, he has been enabled to bring a degree of intelligence and industry to bear upon modern life that has challenged the admiration of the world. But with the Talmud it is not so. That vast encyclopædia of Jewish lore remains as it was. No improvement has been possible; no progress has been made with it. Issue after issue has appeared, but it has always been called the Talmud Babli, as chaotic as it was when its canon was originally appointed.* Commentary upon commentary has appeared; every issue of the Talmud contains new glosses from prominent scholars, proposing textual changes, yet the text of the Talmud has not received that heroic treatment that will alone enable us to say that the Talmud has been improved. Few books have ever received more attention than this vast storehouse of Jewish knowledge. Friends and enemies it has had. Attack after attack has been made upon it, and defence after defence made for it; yet whether its enemies or its defenders have done it more harm it would be hard to tell. Not, forsooth, that we do not willingly recognize that there have been many learned and earnest spirits who have labored faithfully in its behalf; but for the most part, if the Talmud could speak, it would say, "God save me from my friends!" For the friends have, generally, defended without due knowledge of that stupendous monument of rabbinical lore; and the enemies have usually attacked it by using single phrases or epigrams disconnected from their context, by which method anything could be proven. In both cases ignorance has been fatal. For, how many have read the whole Talmud through and are thus competent to judge of its merits? Is it right to attack or defend without sufficient information? Is it not a proof of ignorance and unfairness to find fault with that of which we are not able to give proper testimony?

Let us take the case of those persons in particular who attacked the Talmud and made it the object of their venomous vituperation. Is it possible that they could have believed it a work capable of teaching the monstrous doctrines so frequently attributed to it, when that work says, among other things, "When one asks for food, no questions shall be asked as to who he is, but he must immediately be given either food or money"? Could a work be accused of frivolity and pettiness that defines wickedness to be

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* *Vide* Brief Introduction.

"the action of a rich man who, hearing that a poor man is about to buy a piece of property, secretly overbids him"? (Qiddushin, 59*a*.) Could there be a higher sense of true charity than that conveyed by the following incident? Mar Uqba used to support a poor man by sending him on the eve of each Day of Atonement four hundred zuz. When the rabbi's son took the money on one occasion he heard the poor man's wife say, "Which wine shall I put on the table? Which perfume shall I sprinkle around the room?" The son, on hearing these remarks, returned with the money to his father and told him of what he had heard. Said Mar Uqba: "Was that poor man raised so daintily that he requires such luxuries? Go back to him and give him double the sum?" (Ketuboth, 7*a*.) This is not recorded by the Talmud as an exception; but it is the Talmudical estimate of charity. The Talmud is free from the narrowness and bigotry with which it is usually charged, and if phrases used out of their context, and in a sense the very reverse from that which their author intended, are quoted against it, we may be sure that those phrases never existed in the original Talmud, but are the later additions of its enemies and such as never studied it. When it is remembered that before the canon of the Talmud was finished, in the sixth century,* it had been growing for more than six hundred years, and that afterward it existed in fragmentary manuscripts for eight centuries until the first printed edition appeared; that during the whole of that time it was beset by ignorant, unrelenting, and bitter foes; that marginal notes were easily added and in after years easily embodied in the text by unintelligent copyists and printers, such a theory as here advanced seems not at all improbable.

The attacks on the Talmud have not been made by the enemies of the Jews alone. Large numbers of Jews themselves repudiate it, denying that they are Talmud Jews, or that they have any sympathy with it. Yet there are only the few Karaites in Russia and Austria, and the still fewer Samaritans in Palestine, who are really not Talmud Jews. Radical and Reform, Conservative and Orthodox, not only find their exact counterparts in the Talmud, but also follow in many important particulars the practices instituted through the Talmud, *e.g.*, New Year's Day, Pentecost (so far as its date and significance are concerned), the QADDISH, etc. The modern Jew is the product of the Talmud,

* According to others, in the eighth century. See our "History of the Talmud."

which we shall find is a work of the greatest sympathies, the most liberal impulses, and the widest humanitarianism. Even the Jewish defenders have played into the enemy's hands by their weak defences, of which such expressions as "Remember the age in which it was written," or "Christians are not meant by 'gentiles,' but only the Romans, or the people of Asia Minor," etc., may be taken as a type.

Amid its bitter enemies and weak friends the Talmud has suffered a martyrdom. Its eventful history is too well known to require detailing here. We feel that every attack on it is an attack upon the Jew. We feel that defence by the mere citation of phrases is useless and at the best weak. To answer the attacks made upon it through ludicrous and garbled quotations were idle. There is only one defence that can be made in behalf of the Talmud. Let it plead its own cause in a modern language!

What is this Talmud of which we have said so much? What is that work on which so many essays and sketches, articles and books, have been written? The best reply will be an answer in negative form. The Talmud is not a commentary on the Bible; nor should the vein of satire or humor that runs through it be taken for sober earnestness.* Nor is the Talmud a legal code, for it clearly states that one must not derive a law for practical application from any halakhic statement, nor even from a precedent, unless in either case it be expressly said that the law or statement is intended as a practical rule [Baba Bathra, 130*b*]. Further: R. Issi asked of R. Jo'hanan: "What shall we do if you pronounce a law to be a Halakha?" to which R. Jo'hanan replied: "Do no act in accordance with it until you have heard from me, 'Go and practice.'" Neither is the Talmud a compilation of fixed regulations, although the Shul'han Arukh would make it appear so. Yet, even when the Shul'han Arukh will be forgotten, the Talmud will receive the respect and honor of all who love liberty, both mental and religious. It lives and will live, because of its adaptability to the necessities of every age, and if any proof were needed to show that it is not dead, the attacks that are with remarkable frequency made on it in Germany might be given as the strongest evidence. In its day the Talmud received, not the decisions, but the debates of the leaders of the people. It was an independent critic, as it were, adapting itself to the spirit of the times; adding where necessary to the teachings of former

* See our article, "What is the Talmud?" in the prospectus.

days, and abrogating also what had become valueless in its day. In other words, the Talmud was the embodiment of the spirit of the people, recording its words and thoughts, its hopes and aims, and its opinions on every branch of thought and action. Religion and Ethics, Education, Law, History, Geography, Medicine, Mathematics, etc., were all discussed. It dealt with living issues in the liveliest manner, and, therefore, it is living, and in reading it we live over again the lives of its characters.

Nothing could be more unfair, nothing more unfortunate than to adopt the prevailing false notions about this ancient encyclopædia. Do not imagine it is the bigoted, immoral, narrow work that its enemies have portrayed it to be. On the very contrary; in its statements it is as free as the wind. It permits no shackles, no fetters to be placed upon it. It knows no authority but conscience and reason. It is the bitterest enemy of all superstition and all fanaticism.

But why speak for it? Let it open its mouth and speak in its own defence! How can it be done? The Talmud must be translated into the modern tongues and urge its own plea. All that we have said for it would become apparent, if it were only read. Translation! that is the sole secret of defence! In translating it, however, we find our path bristling with difficulties. To reproduce it as it is in the original is in our judgment an impossible task. Men like Pinner and Rawicz have tried to do so with single tracts, and have only succeeded in, at the best, giving translations to the world which are not only not correct but also not readable. If it were translated from the original text one would not see the forest through the trees. For, as we have said above, throughout the ages there have been added to the text marginal notes, explanatory words, and whole phrases and sentences inserted in malice or ignorance, by its enemies and its friends.* As it stands in the original it is, therefore, a tangled mass defying reproduction in a modern tongue. It has consequently occurred to us that, in order to enable the Talmud to open its mouth, the text must be carefully edited. A modern book, constructed on a supposed scientific plan, we cannot make of it, for that would not be the Talmud; but a readable, intelligible work, it can be made. We have, therefore, carefully punctuated the Hebrew text with modern punctuation marks, and have reëdited it by omitting all such irrelevant matter as inter-

* In others of our works we have named some of these interpolators.

rupted the clear and orderly arrangement of the various arguments. We have also omitted repetitions; for frequently the same thing is found repeated in many tracts; while in this translation each statement is to be found only once, and in the proper place for it. In this way there disappear those unnecessary debates within debates, which only serve to confuse and never to enlighten on the question debated. Thus consecutiveness has been gained, but never at the expense of the Talmud, for in no case have we omitted one single statement that was necessary or of any importance. In other words, we have merely removed from the text those accretions that were added from outside sources, which have proven so fruitful a source of misunderstanding and misrepresentation.

We continue our labors in the full and certain hope that "he who comes to purify receives divine help," and that in our task of removing the additions made by the enemies of the Talmud we shall be purifying it from the most fruitful source of the attacks made on it, and thereunto we hope for the help of Heaven. As we have already said, we feel that this work will not be received everywhere with equal favor. We could not expect that it would. Jewish works of importance have most usually been given amid "lightning and thunder," and this is not likely to prove an exception.

We are always ready to accept criticism, so long as it is objective, and we shall gladly avail ourselves of suggestions given to us, but we shall continue to disregard all *personal* criticism directed not against our work but against its author. This may serve as a reply to a so-called review that appeared in *one* of our Western weeklies.

At the same time we deem it our duty to render to *Dr. Isaac M. Wise*, the venerable President of the Hebrew Union College of Cincinnati, our heartfelt thanks for the several evenings spent in revising this volume, and for many courtesies extended to us in general.

THE EDITOR.

CINCINNATI, May, 1896.

BRIEF GENERAL INTRODUCTION

TO THE

BABYLONIAN TALMUD.

On this, the appearance of our latest literary undertaking, we deem a few explanatory remarks necessary. The brief outline of the origin of the Talmud that follows may suggest the thought that we have departed from the usual manner of dealing with the questions here discussed, the more so since we have, for the sake of brevity, refrained from citing the authorities on which our statements are based. We wish, therefore, to declare here that we do not venture to make a single statement without the support of authorities well known in Hebrew literature. Our method is to select such views as seem to us the best authenticated in the historical progress of Judaism. As we have taken our choice from the numerous works on our subject, the student is entitled to adopt or to reject the views that we represent.

Most of the Mishnayoth date from a very early period, and originated with the students of the Jewish academies which existed since the days of Jehoshaphat, King of Judah [II Chron. xvii. 9].

The rabbinical students of ancient times noted the essence of the academical teachings in brief form, and, as a rule, in the idiom in which it was spoken to them, so that they could afterward easily commit it to memory. They have sometimes, however, added comments and extensive explanations in the form of notes, so that the mass of their learning, embraced in course of time, according to some authorities, as many as six hundred divisions.

The source of the Mishnayoth was the customs and regula-

tions practised by the authorities in their administration of religious and civil affairs : such as the Sabbath, Prayers, Cleanliness (considered actually Godliness), Permitted and Forbidden Foods, and controversies arising concerning Slavery. Indebtedness and corporal punishment are subjects of academical discussion, conducted with the aim of perfecting them into national statutes enforcible in all Jewish communites alike.

In course of time, however, when those Mishnayoth were noted down from earlier existing copies, many additions were made. Finally Rabbi Jehudah the Prince, generally called Rabbi, concluded to collect all the Mishnayoth in his college for proper arrangement. From these he selected six divisions, called according to the subject they deal with, viz.: Seeds, Feasts, Women, Damages, Sacrifices, and Purifications, and he proclaimed them holy for all Israel. Of the Mishnayoth so treated by Rabbi some were left entirely intact, and were reproduced in their original form. To others he parenthetically added brief comments of his own, and there are still others that he changed in form completely, because already in his day old customs had changed and taken new forms.

Such of them as he desired to make final and indisputable national laws he incorporated into the Mishna without mentioning the names of their authors. Where, however, he could formulate no definite decision himself, or where they were well known to the public, he gave full information of their authors as well as the names of those opposed to their conclusions, without any decision on his part. In still others he mentioned no names, but contented himself with saying "A'herim," *i.e.*, "Anonymous teachers say," not wishing to specify their authority for certain reasons.

Rabbi did not seek the compliance and agreement of all his contemporaries in his arrangement of the Mishna, and many differed from his conclusions and even arranged Mishnayoth in accordance with their own views. Being, however, a man of great prominence, influence, and wealth, Rabbi succeeded in quelling opposition and in making his conclusions as acceptable as the Mosaic law itself ; and his great pupils, seeing that his in-

tentions were only to prevent dissensions and his only aim the public weal, supported him nobly, until his teachings were accepted as the law of the nation.

Many Mishnayoth were rejected and destroyed by Rabbi, but, not being in possession of all those he wished to destroy, he went in search of them to colleges outside of his jurisdiction. There, however, he met with great opposition. Some of the Mishnayoth were hidden beyond his reach, others were secretly preserved and arranged within the very limits of his domain and promptly brought to light after his death. But Rabbi's pupils did not dignify them with the name MISHNA, implying "next to Mosaic law," * but called them TOSEPHTOTH, meaning "additions of a later period," or merely *additional*, not *principal*, matter. Some of them were also named BORAITHOTH (outsiders), *i.e.*, secondary, not academical matter. They spread, however, very rapidly after Rabbi's death, and to such an extent as to threaten the Mishnayoth of Rabbi with entire extinction. Such would actually have been the result, had not the pupils of Rabbi organized again colleges whose aim was to perpetuate the Mishnayoth of Rabbi, which they also accomplished. Colleges of that character were those of Rabh and Samuel in Babylon and Rabbi Janai and Rabbi Jo'hanan in Palestine. These colleges made strenuous efforts to explain and harmonize the Mishnayoth of Rabbi with the teachings of the Boraithoth, generally regarded as those of Rabbi Hyya and Rabbi Oshia, who were greatly admired by the public. At times the Mishna of Rabbi was abbreviated and replenished with the text of the Boraitha, or explained with an opposing opinion, so as to harmonize it with the latter or suit the new conditions and consequent changes of the custom that originally caused the conclusion of the Mishna. Where, however, they found no other way to suit their purpose, they inserted a new Mishna of their own composition into the text of Rabbi.†

* See Mielziner's "Introduction to the Talmud," page 6.

† This was done by Rabh and R. Jo'hanan, the heads of the colleges in Babylon and Palestine; and in many passages of the Talmud the latter exclaims: "This

The teachers mentioned in the Mishna of Rabbi or in the Boraithoth and Tosephta were called Tanaim (*singular* Tana) signifying Instructors, Professors. The teachings of the colleges, covering a period of some centuries, which also found adherents and became the traditional law, were called GEMARA, signifying "conclusion." The intention was to harmonize Mishna and Boraitha, and, in most cases, to arrive at a final decision as to the proper interpretation of the theory of the law (as Rabbi Jo'hanan prohibited compliance with the Halakha unless it is mandatory). These Gemara teachers were called AMORAIM (interpreters), *i.e.*, they interpreted to the public the difficult passages in the Mishna. Being classified as interpreters only, they had no authority to deviate from the spirit of the Mishna unless supported by another Tana opposing the Mishna, in which case they could follow the opinion of the Tana with whom they agreed. Rabhina and R. Ashi, who lived at the end of the fifth century (third century of Amoraim), began to arrange the Gemara, but without success, and commenced a second time to arrange it. Unfortunately they died before accomplishing their task, and the Gemara had to undergo the chances of transmission from hand to hand until the appearance upon the scene of Rabana Jose, president of the last Saburaic College in Pumbeditha, who foresaw that his college was destined to be the last, owing to the growing persecution of the Jews from the days of "Firuz." He also feared that the Amoraic manuscripts would be lost in the coming dark days or materially altered, so he summoned all his contemporary associates and hastily closed up the Talmud, prohibiting any further additions. This enforced haste caused not only an improper arrangement and many numerous repetitions and additions, but also led to the "talmudizing" of articles directly traceable to bitter and relentless opponents of the Talmud. The time (Rabana Jose conducted his college only seventeen years) being too short for a proper and critical review of

Mishna was taught in the time of Rabbi!" which means that Rabbi himself was not aware of it. See Weiss' "Traditions of the Oral Law," under the head "Mishna and Rabbi."

each and every subject, many theories were *surreptitiously* added by its enemies, with the purpose of making it detestable to its adherents. Of such character is the expression, "That of R. Ashi is a fabrication," which is repeated numerous times throughout the Talmud and which could by no means have originated with the Amoraim, who as a rule were very guarded in their expressions and would never have dreamed of applying it or similar expressions to such Talmudical authorities as R. Ashi and Mar, his son, much less to the Patriarchs or the Prophets. This closing up of the Talmud did not, however, prevent the importation of foreign matter into it, and many such have crept in through the agency of the "Rabanan Saburai" and the Gaonim of every later generation.

The chief aim of the authors of the Gemara being to perpetuate the Mishna as the sole source of the Jewish religious and civil code after the Mosaic laws themselves, they not only directed all their energy to the discussion and perfecting of its deductions, but treated its very words and letters as inspired and as holy as the Bible itself, forming at times conclusions from a superfluous word or letter. Oftentimes, when they found the Mishna differing with an established custom in their days, they resorted to subtle inquiry and minute discussion, until they succeeded in establishing harmony between the differing points. All these efforts were directed to refute and disprove the assertions of the different sects who opposed the oral law and who were inclined to adhere to the written law solely. Therefore the Rabbis of the Gemara said "MINALAN?" (Wherefrom its source?) or "MINOH HANNE MILI?" (which means "Whence is all this deduced?") in the treatment of a subject not plainly specified in the Bible; and also the exclamatory remark "PESHITA!" (It is self-evident!) as regards subjects plainly enumerated in the Scriptures which do not admit of any other interpretation. Of the same origin is the question "LEMAI HILKHETHA?" (For what purpose was this Halakha stated?) with reference to an obsolete custom. So much for the general history of the Talmud.

INTRODUCTION TO TRACT SABBATH.

WITH this tract we commence the translation of the section of the Talmud called *Moed* (Festivals), containing the following tracts: Sabbath, Erubhin, Rosh Hashana, Yuma, Shekalim, Sukkah, Megillah, Taanith, Pesachim, Betzah, Hagigah, and Moed Katan. All these tracts are entirely devoted to precepts pertaining to the observance of the festivals and Sabbath, such as the performance of the different ritual ceremonies on feast-days, the manner of sanctifying the Sabbath, and the ordinances relating to mourning for the dead both on Sabbath and week-days.

The commandments on which these precepts are founded, or from which they are derived, are contained in various portions of the Pentateuch. The fourth commandment of the Decalogue enacts (Exod. xx. 8–11 and Deut. v. 12–15): "The seventh day shall ye keep holy." In various other parts of the Pentateuch the due observance of the Sabbath is repeatedly ordained; in some instances merely mentioning the day as one to be kept inviolate and holy; and in others employing greater emphasis, referring to the history of creation, and establishing the observance as a sign of the covenant between the Lord and Israel. Such texts are Exod. xiii. 12; xvi. 15; xxxi. 13–17; xxxiv. 21; xxxv. 1–3; Lev. xix. 29; xxiii. 32; Num. xv. 9, etc. While the general principle is thus frequently inculcated, its special application, however, and specific enactments as to what constitutes a violation of the Sabbath, are nowhere fully carried out in the Pentateuch, and thus but few texts of the Scriptures serve as a direct basis for the minute and numerous enactments of the rabbinical law.

The Mishna enumerates thirty-nine "Abhoth" or principal acts

of labor, the performance of any one of which constitutes a violation of the Sabbath. Every other kind of work becomes illegal only if it can be classified under one or any of these principal acts of labor. Thus, for instance, under the principal act of ploughing, every analogous kind of work, such as digging, delving, weeding, dunging, etc., must be classified. In addition to these thirty-nine principal acts and their accessories and derivatives, there are other acts which are especially prohibited by the rabbinical law as tending to violate the Sabbath rest (Shbhuth). For the violation itself various degrees of culpability are established, and various degrees of punishment awarded. All these subjects relating to the due observance of the Sabbath, and pointing out its violation in every possible way, form the contents of the treatise Sabbath.

In order properly to understand the Mishna, and to avoid tedious repetitions, it is necessary to commence with the explanation of certain general principles and technical expressions predominating in the text.

Wherever throughout the Mishna the expression guilty, culpable (Hayabh), or free (Patur) is used, the meaning of the former (guilty) is that the transgressor acting unintentionally must bring the sin-offering prescribed in the law; of the second expression (free), that the accused is absolved from punishment.

If through the performance of an unprohibited act some other (prohibited) occupation is inadvertently entered upon, it constitutes no offence, providing the latter is not done intentionally nor the lawful occupation entered upon with the covert purpose of making it serve as a subterfuge to do that which is prohibited.

In the degrees of violation the nature of the occupation must be considered, as various kinds of labor may be required to perform and complete one act, and thus the offender may become amenable to several penalties. On the other hand, the rule is laid down that such occupations as only destroy, but do not serve an end in view, do not involve culpability (in the rigorous sense of the word); nor yet does work which is but imperfectly or incompletely performed involve culpability.

The prohibition to carry or convey any object from one place

to another, which in Chap. I., § 1, of this treatise is called "Yetziath (Ha) Shabbath" (which means transfer on the Sabbath) and forms the thirty-ninth of the principal acts of labor, requires particular attention and explanation from the complexity of cases to which it gives rise. All space was by the Tanaim divided into four distinct kinds of premises, explained in the Gemara of this chapter. When in the text of the Mishna the question is about carrying and conveying from one place to another, it does not apply to the "free place," as that is subject to no jurisdiction. Moreover, the open air above private property has no legal limitation, whereas that over public property or unclaimed ground (carmelith) only belongs thereto to the height of ten spans (see explanation of the Gemara). The carrying or conveying from one kind of premises to another does not constitute a complete or perfect act, unless the same person who takes a thing from the place it occupies deposits it in another place.

The tracts Sabbath and Erubhin will contain the laws for the observance of rest on Sabbath, and these laws can be divided into two separate parts. Firstly, the part prohibiting labor on the Sabbath day, at the same time defining what is to be termed labor and what does not constitute an act of labor; and secondly, the part ordaining how the day is to be sanctified and distinguished from a week-day in the manner of eating, drinking, dress, lighting of candles in honor of the Sabbath, and incidentally the lighting of candles in honor of the festival of 'Hanukah (the Maccabees).

It has been proven that the seventh day kept holy by the Jews was also in ancient times the general day of rest among other nations,* and was usually spent by the people of those days in much the same way as it is spent now, wherever local laws do not restrict buying and selling, namely: In the forenoon prayers were recited and the necessities of life for the day were bought, while

* In a table compiled by Rev. A. H. Lewis, Alfred Centre, N. Y., 1884, in his work entitled "Biblical Teachings, concerning the Sabbath and the Sunday," it is shown that among nearly all nations the Sunday is the first and the Sabbath the seventh day of the week.

the afternoon was devoted to pleasure-seeking, merrymaking, visiting, and so forth. The Jews living prior to the time of Ezra and Nehemiah, and even during the latter's régime, were wont to spend the Sabbath in the same manner as their pagan neighbors. It was this fact that caused the sages of Nehemiah's time to fear that should the Jews, who were always in the minority as compared with other nations, continue this method of keeping the Sabbath and join in the merrymaking and pleasures of their neighbors, mingling freely with their sons and daughters, assimilation was almost inevitable, especially as the Jewish race was scattered over all the known world and was nowhere in very large numbers.

The sages then devised means to keep the Jew from mingling with the Gentile and from participating in the pleasures and carousals of his neighbors. This can be seen from Nehemiah, xiii. 1–26: "In those days saw I in Judah *some* treading wine-presses on the Sabbath," etc. "In those days also saw I Jews that had married wives of Ashdod, of Ammon, and of Moab," etc. "Ye shall not give your daughters unto their sons nor take their daughters unto your sons, or for yourselves." Thus we see that Nehemiah began by prohibiting traffic and the carrying of burdens on the Sabbath [ibid. xiii. 19] and ended by prohibiting intermarriage with foreign women. About this time also another prophet, the second Isaiah—who, though not possessing the temporal power of Nehemiah, was gifted with that persuasive eloquence that appealed to the heart—preached against indulging in pleasures on the Sabbath day. He says [Isaiah, lviii. 13–14]: "If thou turn away thy foot from the Sabbath" (meaning if thou keep away from drinking-places, dancing-houses, etc., on the Sabbath and follow not the custom of other nations), "and call the Sabbath a delight" (meaning the *rest* on the Sabbath shall constitute thy pleasure), "the holy of the Lord, honorable; and shalt honor him, not doing thine own ways, nor finding thine own pleasure, nor speaking thine own words. Then shalt thou delight thyself in the Lord; and I will cause thee to ride the high places of the earth, and feed thee with the *heritage* of Jacob *thy father;* for the mouth of the Lord hath spoken it." (The inference is very

plain. The prophet wishes to impress the Jew with the fact that the Lord will reward those with the heritage of Jacob who have kept away from mingling with the pleasures of other nations. Read ibid. lvii., especially verses 10, 11, and 12.)

After the establishment of a permanent government among the Jews, however, it was found that the exhortations of the prophets after the manner of Isaiah were of no avail; the people still continued seeking pleasures on the Sabbath, after the manner of other nations, and were still wont to enjoy the pastimes of their neighbors. The enforcement of the prohibition of carrying burdens was then decided upon to act as a check upon the people by defining minutely the meaning of burdens, and the prohibition was interpreted to include not only heavy burdens, but all portable articles, such as money, trinkets, eatables, etc., while only necessary articles of clothing and apparel were permitted to be worn. To such an extent was the matter carried that even the wearing of rings, with the exception of such as had the name of the wearer engraved upon them, was not permitted. In fact, everything that could be converted into money was included in the definition of burdens. Beggars were not permitted to solicit alms on the Sabbath, contrary to the customs of other nations, so as not to afford any one an excuse for carrying money on that day.

The enforcement of such a law, however, was practically impossible in the case of people who remained in their houses, and certain modifications were made. These modifications were as follows: The laws were made to apply only on public grounds but were not valid on private grounds, so that in a private house a person was permitted to carry whatever was necessary. Private grounds were also established by the institution of Erubhin, *i.e.*, where a street or a public place was inhabited by Jews alone a small amount of meal was collected from each household; from the meal a cake was made and hung conspicuously in that locality. The point where the street inhabited by Jews alone commenced and the point where it ended were joined by a piece of twine, and thus definitely marked. Thus public grounds were turned into private grounds, from the fact that each household

contributing a share of meal made them all in a manner copartners in one object. The walking of more than two thousand ells outside of the city limits was also prohibited. Within the city limits, be the city ever so large, walking was permitted.

The possibility of confinement in the house on the Sabbath becoming conducive to the performance of labor was offset by the establishment of a law prohibiting all the different modes of labor used in the construction of the tabernacle, besides all manner of agricultural labor. This again brought about the detailing of all the different modes of labor employed in the construction of the tabernacle and in agriculture, all of which is discussed in these treatises of Sabbath and Erubhin.

Naturally the institution of laws carries with it provisions for the penalties attending their infraction, and these penalties were divided into three classes:

First, the penalties for unintentional infractions.

Secondly, for intentional infractions.

Thirdly, for intentional violations where the violator had been previously forewarned of the penalty by two witnesses.

The penalty for the first class of infractions was simply the sacrificing of a sin-offering, which, however, involved a great many hardships, as the culprit had to bring the sin-offering to the temple in Jerusalem in person, and was frequently compelled to travel quite a distance in order to do so, besides sustaining the loss of the value of the offering.

For the second class, if two witnesses testified before the tribunal that the culprit had labored on the Sabbath, and the culprit admitted that he had done so intentionally, no penalty was inflicted by the tribunal, but the person was told that he would be punished by the heavenly power with the curse of Karath (shortening his allotted time of existence on earth). No penalty was inflicted, for the reason that, the culprit having made himself liable to severe punishment from superhuman sources, it served as an excuse to absolve him from human punishment.*

* Because it is a rule of rabbinical law that, of two punishments incurred by one act, the severer one is meted out Qâm lêh bid'rabba minêh.

For the third class, however, when the culprit openly defied the existing authority and in spite of forewarnings persisted in violating the law, he was considered a traitor to the government, to be sentenced to death by stoning, as was the wood-gatherer [Numbers, xv. 32].

It is upon these laws that the discussions in the treatises Sabbath and Erubhin are based, and in addition the reader will find many ethical laws, legends, and the enumeration of such enjoyments as are permitted on the Sabbath day and the festivals.

In addition to the above we would make the following citations from the text of the Talmud, as a necessary feature of the introduction:

I. We find in the Tract Sabbath, 61*b* and 96*b*, the story of the mysterious scroll which Rabh claimed to have found in the house of his uncle, R. Hyya. This scroll referred to the principal acts of labor prohibited on the Sabbath, which were forty less one. Rabh discovered in this scroll the statement of R. Issi b. Jehudah to the effect that although thirty-nine principal acts of labor are enumerated, only one of them makes a man actually culpable. The Gemara then amends this statement and declares that it should read: "One of the thirty-nine does not involve culpability," but does not mention which one it is. Consequently it remains doubtful which act it is that does not involve culpability, and where a doubt exists as to whether an act is prohibited or not no punishment can be inflicted for its commission. From this, two things may be inferred: First, that these acts of labor were prohibited for political reasons, because the mystery was extant, and we find the term mystery applied to political cases only; and second, that the Gemara declares in the same passage that the carrying of an object from public ground into private ground is not one of the doubtful acts and a penalty is prescribed in the event of its being committed. Hence the object was to prevent the assimilation explained above.

II. We find in Yebamoth, 90*b*: "R. Eliezer b. Jacob said: 'I have heard that a man was found riding a horse on Sabbath in the time of the Greeks, and being brought before the tribunal for

the crime was stoned to death.' This man was punished, not because his crime merited the penalty, but because the times made it necessary." The inference is therefore clearly established that the man was punished for political reasons, and that the violation of the Sabbath laws did not involve capital punishment.

III. In Yoma, 85*b*, it is written: "R. Jonathan b. Joseph said, 'The Sabbath is holy unto you,'" implying that the Sabbath is handed over to you and not you to the Sabbath.*

IV. R. Johanan states elsewhere that in Palestine, where the Jews were together, no public ground existed.

MICHAEL L. RODKINSON.

CINCINNATI, March, 1896.

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* This is taken from Mechilta, an authority older than the Talmud, and stands in no connection with the Halakha. Furthermore, the mystic scrolls may in some instances have had reference to political necessities of the day, but by no means in all cases.—*The Reviser*.

SYNOPSIS OF SUBJECTS

OF

VOLUME I.—TRACT SABBATH.

SYNOPSIS OF SUBJECTS.

SEVERAL requests have been received by the translator that an index should be made to the volumes of the Talmud, as is customary with all modern works. It would be an utter impossibility to give a complete index of everything contained in the Talmud. Were it like other scientific works, which treat each subject separately, this could easily be done; but with the Talmud it is different. On one page many different subjects may be discussed, and again a single subject may occupy several pages. The Talmud, therefore, has never had an index, not even the portions which have been translated.

After careful examination of the volumes, page by page, it has been decided to make a synopsis, *i.e.*, to give briefly the heads of the discussions and conversations upon each Mishna, indicating the page where the Mishna is to be found, and the Gemara of each one, which serves as a commentary. By this the reader should be able to refer to what he desires to know.

A synopsis is therefore given of every Mishna which discusses a single subject, with its accompanying Gemara; but when several short Mishnas cover the same subject, a single synopsis is given of the whole, including the Gemara of each one; and where a chapter is short and has but one subject, a synopsis of the whole chapter is made, without dividing it into Mishnas.

This is the best that can be done, and it is hoped that readers will find it satisfactory.

CHAPTER I.

CHAPTER II.

CHAPTER III.

CHAPTER IV.

CHAPTER V.

CHAPTER VI.

CHAPTER VII.

CHAPTER VIII.

CHAPTER IX.

CHAPTER X.

TRACT SABBATH.

CHAPTER I.

REGULATIONS REGARDING TRANSFER ON SABBATH.

MISHNAI.: There are two acts constituting transfer* of movable things (over the dividing line of adjoining premises, based on biblical statutes). The two acts are, however, increased to four on the inside and to a like amount on the outside of the premises (by the addition of rabbinical statutes). How so? A mendicant stands outside and the master of a house inside. The mendicant passes his hand into the house (through a window or door) and puts something into the hand of the master, or he takes something out of the master's hand and draws it back (toward him). In such a case the mendicant is guilty (of transfer) and the master of the house is free. If the master of the house passes his hand outside and puts a thing into the hand of the mendicant, or takes something out of the mendicant's hand and brings it into the house, the master of the house is culpable and the mendicant is free.† If the mendicant extends his hand into the house and the master takes something out of it, or puts something into it which is drawn to the outside by the mendicant, they are both free. If the master of the house extends his hand outside and the mendicant takes something out of it, or puts something into it which is drawn to the inside by the master, they are both free.

GEMARA: We were taught (Shebuoth, IV. 2): "The acts

* See Jer. xvii. 21, 28, and Neh. xiii. 19. This Mishna treats of the prohibition, so strongly inculcated by the prophets, of transferring things over the line of division between various grounds or premises.

† The difference between the violation of the biblical statutes and that of the rabbinical statutes is marked by the prescription of the penalties of sin-offerings, shortening of life and capital punishment for the first-named violation, while no penalties are attached to a violation of the last-named statutes. (See Introduction.)

of transfer on the Sabbath are two, respectively four." Why is this teaching here specified as two respectively four on the inside, and two respectively four on the outside, and there no such specification was made? Said R. Papa: Here the special subject of treatment is the Sabbath, and the Mishna enumerated the cases which involve guilt and those which do not involve guilt; while there the principal subject of treatment is a different one, and he mentions only the cases that involve guilt, leaving the cases that do not involve guilt untouched. But the cases that involve guilt are those by which acts of transfer are committed, and such are only two? Nay, there are two acts of transfer from within and two from without. But the Mishna says, "Yetziath" (which in a literal sense means transfer from within)? Said R. Ashi: The Tana calls transfer from without by the same term. And for what reason? Because every act of removing a thing from its place is called Yetziah. Said Rabbina: The Mishna also bears out this sense; for it speaks of Yetziath and immediately illustrates its remark by citing a case from without. This bears it out. Rabha, however, says: He (the Tana) speaks about divided premises (whose line of division is crossed), and in this case there are only two (in each of which there may be four acts of transfer).

Said R. Mathna to Abayi: Are there not eight, even twelve (instances of transfer over the line of division)?* And he rejoined: Such transfers as involve the obligation of a sin-offering are counted; but those that do not involve such an obligation are not counted.

"*They are both free.*" Was not the act (of transfer) committed by both? Said R. Hyya bar Gamda: The act of removing the thing was committed by the joint efforts of both, and they (the rabbis) said: "It is written in the law, when a person did it" †—*i.e.*, when one person commits the act he is culpable; but when an act is committed by the joint efforts of two persons, they are both free.

Rabh questioned Rabbi: If one were laden by his friend with eatables and beverages and carried them outside (of the house), how is the law? Is the removing of his body tantamount to the removing of a thing from its place, and therefore he is culpable, or is it not so?

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* Rashi explains at length how eight or even twelve instances of transfer could occur, but, not being essential to the subject, we omit the explanation.

† Lev. iv. 27.

Said Rabbi to him: He is culpable. And this case is not like the case of removing his hand. Why so ? Because (in the latter case) the hand was not at rest, while (in the former) the body (before and after removal) was entirely at rest.*

Said Rabbi Hyya to Rabh: Descendant of nobles! Did I not tell thee that when Rabbi is engaged with a certain tract ask him not about a subject (that is treated) in another tract, for he may not have that subject in his mind! And if Rabbi were not a great man thou mightest cause him shame, for he would give thee an answer which might not be right. In this instance, however, he gave thee a correct answer; as we have learned in the following Boraitha: If one was laden with eatables and beverages while it was yet light on the eve of Sabbath, and he carried them outside after dark, he is culpable; for his case is not like that of removing the hand mentioned above.

Abayi said: From all that was said above it is certain to me that the hand of a man (standing on the street) is not treated as public ground.† And I also see that (if a man stands on private ground) his hand is not to be treated as private ground. Would it be correct, then, to regard the hand as unclaimed ground ? If so, would the penalty imposed by the rabbis in such a case, namely, that one should not move his hand (containing a movable thing) back (during the Sabbath day), apply in this case or not ?

Come and hear the following Boraitha: If a man has his hand filled with fruit and he extends it outside (of the premises where he stands), one said he is not permitted to draw it back, and another Boraitha says he is allowed to do so. May we not assume that this is their point of dispute: the former holds that the hand is treated as unclaimed ground, and the latter thinks that it is not like unclaimed ground? Nay, it may be that both agree that the hand (as spoken of in our Mishna) is like unclaimed ground, and yet it presents no difficulty. One of the Boraithas treats of a man who had extended his hand unintentionally, and the other one treats of a man who had put forth his hand intentionally. In the former case the rabbis did not

* Students of the Talmud will remember that while in the act of walking a man cannot be guilty of the transgression of carrying movable property. The body must be at rest. The removal of a thing by means of the hand implies a disturbance in the rest of the body.

† As illustrated in our Mishna; for if he did not deposit the thing that he had passed from the street into the house, he was not culpable.

fine him, and in the latter case they did. And if you wish, it may be said that they both speak of a case when the act was done unintentionally, and their point of differing is as to the varying premises, whether the hand may be drawn back to the ground where the man stands, or to other (private) ground that adjoins it ? As Rabha questioned R. Na'hman: If the hand of a man was filled with fruit, and he extended it outside, may he draw it back to the same ground where he stands ? And he answered: He may. (And may he remove his hand) to other (private) ground ? Nay. And to the question, "What is the distinction ?" he said: If thou wilt measure a whole kur of salt and present me with it, I shall tell thee the answer. (See footnote, Erubin, p. 79.) In the former case his design was not accomplished; in the latter, however, his design was accomplished (and it is prohibited for fear that it should be repeated).

R. Bibi bar Abayi questioned: If one has put bread into the oven, is he allowed to take it out before (it is baked and) he becomes liable to bring a sin-offering, or not ?

Said R. A'ha bar Abayi to Rabhina: What does the questioner mean ? Unintentionally and without remembering (that it is Sabbath), then what does the expression "allowed" mean ? To whom ? He is still not aware of it. On the other hand, if he did it unintentionally and afterward he remembered of the Sabbath, how can he be liable to a sin-offering; did not a Mishna state that the liability to bring such a sacrifice applies only when the failing was begun and accomplished unintentionally ? Should it be understood that the act was done intentionally, then it would not involve the liability of a sin-offering, but it would constitute a crime that involved capital punishment.*

Said R. Ashi: Say, then, it is a crime that involves capital punishment. R. A'ha, the son of Rabha, taught so plainly. R. Bibi bar Abayi said: If one put bread into the oven, he is allowed to take it out before it may involve a case of capital punishment.

"*The mendicant extended his hand,*" etc. Why is he culpable ? (To complete the act) there must be a transfer from a place that is four ells square and a depositing into a place of the same area, and such was not the case here. Said Rabba: Our

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* All the labors that were performed at the construction of the tabernacle in the desert, as is taught in a Mishna farther on, if done on the Sabbath intentionally, involved capital punishment. The intention becomes apparent when there are witnesses to warn the perpetrator of his wrong and he does not heed them.

Mishna is in accordance with R. Aqiba's opinion, who holds that as soon as the air of a place surrounds a thing it is equal to the thing being deposited in that place. But may it not be that depositing does not require four ells, for the reason stated above, but removing does? Said R. Joseph: The teaching of this paragraph agrees (not with the opinion of R. Aqiba), but with that of Rabbi, as we have learned in the following Boraitha:

If one threw an object from one street into the other, and there was a private ground between them, Rabbi declared him culpable, and the sages freed him. Hereupon R. Jehudah in the name of Samuel said: Rabbi declared the man guilty of two offences: one for having removed the thing from its place, and one for having deposited it in another place. Hence in both, the four ells in question are not required.

But with reference to this it was taught that both Rabh and Samuel said that Rabbi's declaration of culpability treated of a case where the private ground (that divided the two streets) was roofed, for the assumption is that a house must be regarded as a solid object that fills out all the space it occupies, but not when it was unroofed?

Therefore said Rabha: (All these views can be dispensed with, as) the hand of a man (because of its value) is considered as a piece of ground four ells square. And so, also, was declared by Rabin, when he came from Palestine, in the name of R. Johanan.

R. Abhin in the name of R. Ila'a, quoting R. Johanan, said: If one threw a thing and it rested in the hands of another man, he is culpable.

Why the repetition—has not R. Johanan declared above, already, that the hand of a man is considered as a space of four ells square? Lest one say that this is only when he *intended* to put it into his hand (and the intention makes it valuable as the space in question), but not otherwise. Therefore the repetition.

The same said again in the name of the same authority: If one remains standing in his place when he receives a thing, he is culpable; but if he was moving away from his place when he received it, he is free. And so also we have learned in a Boraitha in the name of the anonymous teachers.

R. Johanan asked the following question: If one threw a thing and then moved from his place and caught it, is he culpable or not? How is this question to be understood? Said R. Ada bar Ah'bah: The difficulty is concerning the exercise

of two forces by one man, and the question was thus: If two forces were exercised by one man (in committing a prohibited act), should both parts of the act be accounted to the same, so that he should be declared culpable, or should each part of the act be considered separately, as if there were two individuals concerned, and then he is free ? This question is not decided.

R. Abhin in the name of R. Johanan said: If one put his hand into the yard of his neighbor, got it full of rain water, and withdrew it, he is guilty. But to make one guilty of the act, it must consist of removing a thing from a place of four ells square, which is not the case here. Said R. Hyya b. R. Huna: It means that he took the water as it was running down a slanting wall, as Rabba taught elsewhere that removing a thing from a slanting wall made the man culpable. But (in speaking of removing an object from a slanting wall) Rabba treated on the question of removing a book, which is a stationary thing. Is it analogous to removing water that can never become stationary ?

Therefore said Rabha: Our case treats when he dipped the water out of a cavity (in the wall) in question. Is not this self-evident ?

Lest one say that water standing upon water is not considered stationary, he comes to teach us that it is. And this is in accordance with his theory, as follows: Water standing upon water is considered stationary; a nut, however, lying upon the surface of water is not considered so.

The same said again, in the name of the same authorities: One who was laden with eatables and beverages, entering and going out the whole day, he is not culpable until he rests. Said Abayi: And even then only if he stops for the purpose of resting; but not when he stops merely to adjust his burden on his shoulders. Whence is this deduced ? From what the master said: If he stopped within the limit of four ells to rest he is free, but if he stopped to adjust the load on his shoulders he is culpable. Beyond four ells, if he stopped to rest he is culpable, but if he stopped to adjust the burden on his shoulder he is not culpable. What does this imply ? It implies that one cannot be culpable unless his intention of removing was before he stopped.

The rabbis taught: If one takes anything from his store into the market through the alley-way (where the benches of market-men are situated), he is culpable; it makes no difference whether he carries, throws, or pushes it with his arm. Ben Azai, how-

ever, said: If he carries it in or out he is not culpable, but if he throws or pushes it in or out he is culpable. The same we have learned in another Boraitha.

The rabbis taught: There are four kinds of premises as regards the Sabbath—viz.: private ground, public ground, unclaimed ground, and ground that is under no jurisdiction. What is private ground? A ditch or hedge that is ten spans deep or high and four spans wide—such are absolutely private grounds. What is public ground? A country road or a wide street, or lanes open at both ends—such are absolutely public grounds. [So that in these two kinds of premises nothing must be carried from one to the other; and if such was done by one unintentionally, he is liable to a sin-offering; if, however, intentionally, then he is liable to be "cut off," or to suffer the extreme penalty (at the hands of human justice).]

A sea, a valley of fields, the front walk (before a row of stores), and unclaimed ground are neither like public nor like private ground. [Nothing should be carried about there to start with; but if one has done it, he is not culpable. Nor should anything be taken out of these grounds into public or private ground, or brought in from the latter into these grounds; but if one has done so, he is not culpable. In adjoining courtyards of many tenants and alleys that are open at both ends, where the tenants have made it communal property,* carrying things is allowed; however, it is not allowed when such is not done. A man standing on the door-step † may take things from or give things to the master of the house; so also may he take a thing from a mendicant in the street or give it to him; but he must not take things from the master of the house and hand them over to the mendicant in the street, nor take from the latter and transmit to the former. Still, if this was done, all the three men are not guilty. Anonymous teachers, however, say that the door-step serves as two separate grounds: when the door is open it belongs to the inside, and when the door is closed it belongs to the outside. But if the door-step is ten spans high and four spans wide, it is considered as a premises in itself.]

The master said: "Such are absolutely private grounds."

* The technical expression is "to make an Erubh," *i.e.*, to mix their possessions as if they were partners, as explained in Tract Erubin, I. 2.

† A door-step is regarded as ground of which the religious law takes no cognizance.

What does he intend to exclude (by this emphatic declaration)? To exclude that which R. Jehudah taught about Erúbhin (p. 25).

"These are absolutely public grounds." What does it mean to exclude? To exclude another instance of R. Jehudah's teaching, concerning the enclosure of wells. (Ibid., p. 40.)

Why does not the Boraitha count the desert also, for have we not learned in a Boraitha: Public ground is constituted by public roads, wide streets, alleys that are open at both ends, and the desert? Said Abayi: It presents no difficulty. There the law was expounded as it existed when Israel dwelt in the desert; here, however, the law is taught as it prevails at the present time.

The master said: "If one has brought in or taken out a thing unintentionally," etc. Is not this self-evident? He means to say that if the culprit did it intentionally, "he is liable to be cut off," etc. Also this is self-evident? He comes to teach, because of the following statement of Rabh, who said: "I found mysterious scrolls in the possession of my uncle, R. Hyya, which read: Aysy ben Jehudah says: There are forty less one principal acts of labor. A man, however, cannot be guilty of performing but one. And to the question, How is this to be understood? the answer was: It should be corrected and read: There is one of those acts of labor for which a man is not guilty. (In consequence, however, of the omission just what particular act of labor is excluded, all of the thirty-nine remained doubtful); and the Boraitha teaches that the labor mentioned is not one of the doubtful."

Again, the master said: "A sea, a valley of fields," etc. Is that so? Have we not learned (Taharoth, VI. 7) that a valley is, in summer time, to be regarded as private ground with reference to the Sabbath, and as public ground with reference to defilement; in the rainy season, however, it is private ground in all respects? Said Ula: As a matter of fact it is unclaimed ground, but by calling it private ground the Boraitha only means to distinguish it from public ground. R. Ashi, however, said: He speaks of a valley in which there are partitions.*

"And unclaimed ground." Are not all the above-mentioned unclaimed ground? When R. Dimi came he said in the

* According to Rashi, R. Ashi means to state that even when the capacity of the valley was more than two *saoth* and no dwelling was near, which is always considered as unclaimed ground in regard to this, nevertheless it is considered as private ground, and whoever carries from it into public ground is guilty.

name of R. Johanan: The mention of "unclaimed ground" in this case is required merely to imply a corner (of a private plot) that adjoins public ground; for although at times (when the street is crowded) many people are forced into this corner, it is considered as unclaimed ground, as the public use of it is not regarded with favor. He said also in the name of the same authority: The space between the pillars and the buildings (on the side of the street) is considered by the law as unclaimed ground. Why so? Because although many walk there, still, since one cannot make his way in such space freely (the row of pillars being irregular or in a broken line), it is like unclaimed ground.

R. Zera in the name of R. Jehudah said: The benches in front of pillars are regarded as unclaimed ground (even if they are ten spans high and four spans wide). The one who holds that the space between the pillars is considered as such, will so much the more agree that the benches in front of the pillars are considered such; but he who says that the benches are so considered, may hold that this is so because the encroachment upon them is not regarded with favor. The ground between the pillars, however, which is usually trodden by many people, is like public ground.

Rabba b. Shila in the name of R. Hisda said: If one throw or plaster (an adhesible) thing against the side of a brick that is standing up in the street, he is culpable; but if he throw or plaster a thing on top of it, he is not. Abayi and Rabha both said: Provided the brick is three spans high, so that people do not step upon it; with bushes or briars, however, even if less than three spans high, one is not culpable. And Hyya bar Rabh said: Even a bush or briar must be three spans high.*

Rabba, of the school of R. Shila, said: When R. Dimi came from Palestine, he said in the name of R. Johanan: No space can be considered unclaimed ground unless it has an area of four spans square, and R. Shesheth added that it holds good up to ten spans square. What does it mean? Shall we assume that only if it has a partition of ten spans it is unclaimed ground? Has not R. Giddell in the name of R. Hyya bar Joseph, quot-

* Any space that is less than ten spans high from the ground is considered by the law as unclaimed ground, and there things may be handled on the Sabbath only as above, while on private ground things may be handled freely within the whole area over which it extends.

ing Rabh, said: A house that is not ten spans high, but which is raised to that height by the ceiling, one may handle on the roof over its entire area; inside of the house, however, only within four ells square? Therefore we must say that the statement: "It holds good up to ten spans," implies that the law of unclaimed ground is valid when the height does not exceed ten spans. As Samuel said to R. Jehudah: "Ingenious scholar! treat not on laws of the Sabbath exceeding ten spans in height." And to what does it apply? To private ground it could not apply, as it is known that private ground is so considered to the sky; hence it is only to unclaimed ground that above ten spans does not exist, as the rabbis have invested unclaimed grounds with the lenient regulations pertaining to private ground—viz.: If the place have an area of four spans square, it is unclaimed ground; if it has a lesser area, it is not subservient to any jurisdiction. And with the lenient regulations of public ground—viz.: The place is regarded as unclaimed ground only to the height of ten spans; beyond that it ceases to be unclaimed ground.

The text says: "In a house the inside of which is not ten spans high," etc. Said Abayi: If, however, one has cut in it an excavation four ells square, so as to complete the height of ten spans, one may handle things freely in the whole house. Why so? Because in such a case the entire space of the house (around the excavation) would be considered like holes on private ground, and it has been taught that such holes are regarded the same as the private ground itself. As to holes on public ground, Abayi said: They are like public ground. Rabha, however, says that they are not. Said Rabha to Abayi: According to your theory, holes on public ground are to be considered the same as the ground itself. In which respect, then, does this case differ from what R. Dimi said above (p. 8) in the name of R. Johanan? Let, according to thy opinion, such a corner be considered as a hole in public ground. Nay, the use of the corner is not considered favorable by people, while no one objects to the use of a hole in the street.

R. Hisda said: If a person erected a pole on private ground and threw something at it, if that thing rested on top of the pole, and be that pole a hundred ells high, the person is culpable, for private ground is absolutely unlimited in height. Shall we assume that R. Hisda holds in accordance with Rabbi of the following Boraitha: "If one threw a thing (in

the street) and it rested upon the smallest cornice* (of a house), according to Rabbi he is culpable, and the schoolmen say that he is not." Said Abayi: In private ground all admit the decision of R. Hisda. The case, however, in which Rabbi and the sages differ was a tree that stands on private ground with its branches reaching out into public ground, and one threw a thing which rested on a branch. Rabbi holds that the branch is part and parcel of the root, but the sages opine that we need not assume such to be the case.

Abayi said: If one threw a bee-hive which was ten spans high, but not six spans wide, into the street, he is culpable; if, however, the bee-hive *was* six spans wide, he is free (because it is considered a piece of private ground in itself). Rabha, however, said he is not, even if it be less than six spans wide. Why so? Because it is impossible for twined reed not to exceed the given height.† In case he threw the bee-hive ‡ with its mouth down, even if the hive is a trifle over seven spans high, he is culpable; but if it is seven and a half spans high, he is not. R. Ashi, however, said: He is, even if it is seven and a half spans high. Why so? Because the enclosing rim of the bee-hive is made for the purpose of containing something within, and not to be attached to the ground; hence it is not included in the *Lavud* class.§

Ula said: A post nine spans high, which stands in the street, and people use it to shoulder (their burdens) on, if one threw a thing and it rested on the top of it, he is culpable. Why so? Because a thing that is less than three spans high is stepped upon by many; a thing between three and nine spans high is not used either to step or to shoulder a burden on; but if it is nine spans high, it is surely used to shoulder burdens on.

Abayi questioned R. Joseph: What is the law of a pit (of similar depth)? Said he: The same (as of the post). Rabha,

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* The cornice which is spoken of above should be like the branch in this instance.

† The space above ten spans does not enter within the jurisdiction of public ground.

‡ Here a bee-hive is spoken of which is not six spans in circumference, *i.e.*, less than four spans square.

§ There is a law of Mosaic origin determining that every object that is not farther from the ground than three spans must be considered "Lavud," *i.e.*, attached to the ground. In the above case, when a bee-hive seven spans or a trifle over seven spans high is thrown to the ground, it does not become postively "Lavud" when within three spans from the ground, and is thus considered ten spans in all. The margin is too small. It must be seven and a half spans high, and when reaching the ground within three spans the hive becomes "Lavud," and being positively over ten spans high is treated as a piece of private property.

however, said: A pit of similar depth is not governed by the same law. Why so? Because the use (which is made of a thing) through compulsion is not called (a customary) use.

R. Adda bar Mathna objected to Rabha from the following Boraitha: If one intended to keep the Sabbath on public ground and deposited his Erubh in a pit less than ten spans (below the ground), his act is valid. "If he deposited it more than ten spans below the ground, his Erubh is of no value." Let us see how was the case. If the pit was more than ten spans deep, and by the saying "he deposited it less than ten spans below the ground" is meant that he raised the Erubh to a higher place, and by the saying "more than ten spans" is meant on the bottom of the pit, then, at all events, the Erubh could not be of any value; as he is in public ground, and his Erubh is in private, therefore we must say that the case was of a pit less than ten spans deep, and nevertheless the Erubh is valid; hence we see that the use of a place through compulsion can at times be considered as customary use.

The answer was that the Boraitha is according to Rabbi, who says that against things which are prohibited only rabbinically because of rest (Shebuoth) no precautionary measures are taken when they are to be done at twilight, and the prescribed time for depositing an Erubh is twilight; therefore, although the use of the pit which was less than ten spans deep was compulsory, the Erubh was nevertheless valid, because respecting twilight the rabbis are not particular.

R. Jehudah said: If one moves a bundle of reeds by raising one end and throwing it over, then raising the other end and throwing it over, he is not culpable, unless he lifts the entire bundle off the ground.

The master said: "A man standing on the door-step," etc. What is that step? If it is the step of the street, how may he "take from the master of the house"; does he not transfer from private ground into public ground? If it is the step of the house, how may he "take from the mendicant (standing in the street)"? Does he not transfer from public into private ground? And if it is unclaimed ground, how may he "take and give intentionally," since a direct prohibition to that effect exists?

Nay, the door-step is a place concerning which the law has no provision; as, for instance, it is not four spans square. It is said elsewhere by R. Dimi in the name of R. Johanan that such a thing is not under the jurisdiction.

The master said: "All three are not culpable." Would this not be an objection to Rabha, who said if one transfer an object (in public ground) from one to the other limit of four spans, even if he moves it over his head (*i.e.*, above ten spans from the ground), he is culpable? In the above-mentioned case, however, he is not.

Anonymous teachers say "a door-step," etc. Is such the case even if there is no side-beam to it? Has not R. Hamma bar Gorion in the name of Rabh said that if it is inside the door, and not even four spans square, there must still be a side-beam to make it a free place? Said R. Judah in the name of Rabh: Here the doorstep of an alley is treated of, the half of which is roofed, and the other half not roofed, and the roofing is toward the inside. In this case when the door is open it is considered like the inside, when it is closed it is like the outside. R. Ashi, however, said: The case was of a door-step of a house, but the door was topped by two beams, each of which was less than four spans wide, and between them the space was less than three spans wide, the door itself being in the middle, so that the law of Lavud applies only when the door is open, and not when it is closed; therefore when it is open the door-step is considered as the inside, and when it is closed the door-step is regarded as the outside.

"If the door-step is ten spans high," etc. This supports the theory of R. Isaac bar Abbimi, who said that R. Mair used to say: Wherever thou findest two distinct grounds belonging to the same premises (*i.e.*, to which the law of premises regarding the Sabbath applies equally), like a post in private ground, that is ten spans high and four wide, it is prohibited to shoulder (a burden) on it. As a precautionary measure (enacted by the rabbis), for fear that the same would be done with a rock of the same size that may be found in the street, and it is biblically prohibited to shoulder upon it.

MISHNA *II.*: One shall not sit down * before the hair-cutter at the approach of the time for afternoon devotion,† before

* The reference made here, that one should not sit down before the hair-cutter near the time for the afternoon prayer is a simple precaution. The exact specification for the time is to be found in Berachoth, Perek IV., M. 1.

† The following discussions may seem to have no direct connection with the ordinances pertaining to the Sabbath; however, they are included in the tract on account of their connection with the succeeding Mishna, which commences: "A tailor shall not go out with his needle when it is nearly dark on Friday." Incidentally, the injunctions concerning the time for the Min'ha are given, in order that prayer time shall not be forgotten.

reciting his prayers. Nor shall he enter a bath-room or a tannery (the same is the case with any factory or large business), or sit down to eat, or start pleading a case (before a judge). But if he has started, he need not be interrupted. One must quit his work to read Shema, but he need not stop working in order to pray.

GEMARA: What time of Min'ha does the Mishna mean? Does it mean the high afternoon * time? Why should a man not be allowed, since the day is still young? Does it mean the lesser time, and still hold that (if the man had started the work) he need not discontinue it? Shall this be taken as an objection to the opinion of R. Joshua ben Levi, who said: "When the time of afternoon prayer draws nigh, one must not partake of anything before performing his devotion"? Nay, he speaks here of the high time, and yet one shall not begin cutting his hair, as a precaution against accidents, lest his scissors break; a bath to sweat, lest he grow exhausted; a tannery, lest he notice some damage to his wares and become confused; nor shall he sit down to eat lest the meal be protracted; pleading a case of justice, lest argument be advanced that overthrows all previous arguments, and until all this is settled the Min'ha prayer will be forgotten.

From what moment does the act of hair-cutting begin? Said R. Abhin: From the moment the barber's cloth is spread over him. The act of bathing begins from the moment the coat is pulled off; tanning begins from the moment the working-apron is tied around the shoulders; a meal begins from the moment the hands are washed, so said Rabh; but R. Hanina said, from the moment one takes off his girdle. And they do not differ. Rabh spoke of the custom of his country, and R. Hanina spoke of the custom of his country.

Abayi said: According to him who holds that the evening prayer is discretionary, our Babylon colleagues, as soon as they take off their girdle for the meal, they must not be troubled to pray before meal; however, according to him who holds that even this prayer is obligatory, they must be troubled. But is

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* High afternoon (Min'ha) was the time when the regular afternoon sacrifice was offered at the temple, about an hour after midday. The lesser afternoon time was about an hour before sunset. Because the time for afternoon devotion was calculated by the offering of the "gift-sacrifice," the name of that sacrifice, "Min'ha," is used by the rabbis as a technical term to designate both the afternoon devotion and the time when it is to be performed.

not the afternoon prayer obligatory by all means, and nevertheless our Mishna teaches that "if he began (his meal) he need not be interrupted," to which R. Hanina said that the loosening of the girdle (is the beginning)? In the case of the afternoon prayer, since the time for it is fixed, (we assume) that the man will hasten and will not fail to pray in time, while for evening prayer, the time for which extends through the entire night, it is feared that he may not hasten, and neglect it.

R. Shesheth opposed: Is it so much trouble to put on one's girdle? Furthermore, cannot one stand up (without a girdle) and pray? Nay! As it is written: "Prepare thyself to meet thy God, O Israel!" [Amos, iv. 12]; and as Rabha b. R. Huna used to put on stockings when he stood up to recite prayers, saying: It is written: "Prepare thyself," etc. Rabha, however, used to throw off his mantle and fold his hands when he prayed, speaking as a slave before his master. R. Ashi said: I have observed R. Kahana. In times of trouble he threw off his mantle and folded his hands when he prayed, speaking like a slave before his master. In times of peace he dressed and fitted himself up carefully, saying: "It is written, Prepare thyself to meet thy God, O Israel." Rabha noticed that R. Hamnuna spent much time at his prayers. Said he: "Thus they quit eternal life and busy themselves with transient life." * He, R. Hamnuna, however, thought that the time spent in prayer is a thing by itself, and the time devoted to study is also a thing by itself. R. Jeremiah was sitting before R. Zera discussing a Halakha. The day was breaking and time for prayer came, and R. Jeremiah hastened for the purpose of praying. Said R. Zera to him: "When one turneth away his ear so as not to listen to the law, even his prayer becometh an abomination" [Prov. xxviii. 9].

At what moment does the work of dispensing justice commence? R. Jeremiah and R. Jonah—one said: "From the moment the judges put on their mantles"; the other said: "From the moment the litigants begin pleading." And they do not differ. The former speaks of the instance of opening court; the latter of the instance when the court was in session and the judges were engaged in deciding other cases.

Up to what time should court be in session? R. Shesheth

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* The rabbi thus regarded prayer as a thing belonging to transient life, because it benefits only the individual. Study, on the other hand, is regarded as an object that concerns eternal life, for by its results future generations may be benefited.

said: "Up to meal time." Said R. Hama: From what scriptural passage have we this? From "Happy art thou, O land! when thy king is noble-spirited, and thy princes eat in proper time, for strengthening and not for gluttony!" [Eccl. x. 17]; *i.e.*, for the strength of the law and not for indulgence in wine.

The rabbis taught: The first hour (of the day) is the time the Lydians eat (the Lydians were cannibals); in the second hour robbers eat; in the third hour (rich) heirs eat; the fourth hour is eating-time for the people in general; in the fifth hour laborers eat; in the sixth hour scholars eat; from the last hour onward, eating is like throwing a stone into a barrel (rather injurious than beneficial). Said Abayi: This is the case only when one has tasted nothing in the morning; but if he did so, it does not matter.

R. Ada bar Ahba said: One may say his prayers in a new bath-room, which has not been used. R. Hamnuna said in the name of Ula: One is not permitted to call Shalom to another man in a bath-room, for it is written: "He called the Eternal Shalom" [Judges, vi. 23].* If so, the saying of the word "faith" should also be prohibited, for it is written, "the faithful God" [Deut. vii. 9]. And lest one say so it is, has not Rabha bar Mehassia said in the name of R. Hama bar Gorion, quoting Rabh, that "faith" may be mentioned? In the latter case the name itself is not so designated, as it means as it is translated above. But in the former case it (Shalom) is a designation of the name itself.

The same says again in the name of the same authority: If one bestows a gift on his friend, he should let him know it; as it is written: "To know that I, the Eternal, made you holy" [Ex. xxxi. 13]. And there is a Boraitha which states as follows: "The Holy One, blessed be He, said unto Moses, I have a good gift in my storehouse; its name is Sabbath, which I wish to bestow on Israel; go and announce it to them." From this R. Simeon ben Gamaliel said: One who gives a child some bread should announce it to its mother. How shall he do this? Said Abayi: He should put some ointment around its eyes and stain it with dye.

Is this so? Has not R. Hama b. Hanina said: He who bestows a gift on his friend need not announce it to him, for it is written: "Moses knew not," etc. [Ex. xxxiv. 29]. This

* Translated literally. Leeser, however, translates differently according to the sense; but his translation is not correct.

presents no difficulty. The latter instance represents a thing that is to become known by itself; the former instance treats of a thing that cannot become known by itself.

But was not the Sabbath a thing that was to become known? Aye, but the reward (for keeping the Sabbath holy) that attends it was not to be known.

R. Johanan in the name of R. Simeon b. Yohayi said: All the commands that the Holy One, blessed be He, gave unto Israel, were given with publicity, excepting the Sabbath, which was given in privacy, for it is written: "Between me and the children of Israel it is an everlasting sign" [Ex. xxxi. 17]. If such is the case, the idolaters need not be punished for its sake. The Sabbath was made known, but the additional soul (a new impetus of life) which comes with the Sabbath was not made known to them. Thus R. Simeon b. Lakish said: "The Holy One, blessed be He, bestows an additional soul on man on the eve of the Sabbath, and takes it back again when the Sabbath departs." *

R. Hisda held in his hand two gifts † from the flesh of an ox, and said: "I will give this to the man who will tell me some new teaching in the name of Rabh." Said Rabha b. Mehassia to him, thus taught Rabh: "He who bestows a gift on a friend should let him know it." And R. Hisda gave him the meat. Said the former again: Art thou so fond of the teachings of Rabh? "Aye, aye," he answered. Said he: This is like that which Rabh said: A silk garment is precious to the wearer. Rejoined R. Hisda: Did Rabh indeed say so? This second thing is even better than the first; if I had other gifts I would bestow them too.

Rabha b. Mehassia in the name of the same said again: One should never show preference for one child above his other children, as for the sake of two selas' weight of silk, which Jacob bestowed on Joseph in preference to his other sons, the brothers became jealous of Joseph, and the development brought about our ancestors' migration into Egypt.

Again he continued: One should always endeavor to seek a dwelling in a city of recent settlement, for the settlement being recent, the sins are few. As it is written: "Behold, this city is

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* Transposed from Tract Betzah, p. 16*b*.

† He was an Aaronite, and in his time they used to give the Aaronites their meat-offerings. In the time of R. Hisda the descendants of the priests still received their titles.

near to flee thereunto, and it is little" [Gen. xix. 20]. What does it mean, it is near and small? Could not he see this himself? But it means its settlement is recent and therefore its sins are not many.

The same said again: A city whose roofs are higher than that of the synagogue will ultimately be destroyed, as it is written: "To raise high the house of our God," etc. [Ezra, ix. 9]. However, this refers only to the roofs of the houses, but as to the tops of towers and palaces, it does not concern them. Said R. Ashi: *I* have prevented Matha Mehassia from being destroyed (as he had made the prayer-house and the college higher than other houses). But was it not destroyed later? Yea, but not for this sin.

He also said: * It is better to be dependent on an Israelite than on an idolater; on an idolater than on a Persian; on a Persian schoolman † than on a scholar; on a scholar than on a widow or an orphan.

He also said: Rather any sickness than sickness of the bowels; rather any pain than pain of the heart; rather any disorder than a disorder in the head; rather any evil than a bad wife.

Again he said: If all the seas were ink, if all the swamps were producing pens, if the whole expanse of the horizon were parchment, and all the men were scribes, the (thoughts that fill the) void of a ruler's heart could not be written in full. Whence is this deduced? Said R. Mesharsia: "The heavens as to height and the earth as to depth, and the hearts of kings cannot be fathomed" [Prov. xxv. 3].

"*To read Shema,*" etc. Was it not stated before that they need not be interrupted? This sentence applies to study, as we have learned in a Boraitha: "Scholars that are engaged in studying the Law must stop for the reading of Shema, but they need not stop for prayer." Said R. Johanan: Such is the case with men like R. Simeon b. Yo'hai and his colleagues, for learning was their profession; but men like ourselves must stop for prayer also. But have we not learned in a Boraitha: "As (students) need not quit (their studies) for prayer, so they need not stop them for Shema"? This applies only to the study of

* These somewhat abstruse distinctions are made for the reason that a dependent of a scholar, orphan, or widow is liable to incur greater punishment for an injury done his master than were his master an Ishmaelite, Persian, etc.

† The title "Habher" is the exact equivalent of "fellowship" as a college position in our time; we translate it "schoolman."

the establishment of leap year; as R. Ada b. Ahba, and so also the sages of Hagrunia in the name of R. Elazar b. Zadok, declared: "When we were engaged in fixing a leap year at Yabne, we did not quit (our work) either for Shema or for prayer."

MISHNA *III.*: A tailor shall not go out with his needle when it is nearly dark on Friday, lest he forget and go out (carrying it about with him) after dark; nor a scribe with his pen; nor shall one search for vermin in his garments or read before the lamp-light (Friday night). Of a verity it is said, an instructor may follow the children when they read, but he shall not read himself (before the lamp-light). In a similar manner it is said that one afflicted with gonorrhœa should not eat from the same plate with a woman that has the same disease, lest they become accustomed to one another and come to sin.

GEMARA: "*A tailor shall not go out*," etc. Does not the Mishna mean when the needle is stuck in the garment? Nay, it treats of the case when (the tailor) holds it in his hand.

Come and hear. "A tailor shall not go out with the needle sticking in his garment." Does this not treat of the eve of the Sabbath? Nay, it treats of the Sabbath itself.

But is there not another Boraitha: "A tailor shall not go out with the needle sticking in his garment on Friday when it is nearly dark"? This was taught according to R. Jehudah, who holds that a laborer (carrying a thing) after the manner of his profession is culpable; as we have learned in the following Tosephtha: "A tailor shall not go out with his needle sticking in his garment; nor a carpenter with his ruler behind his ear; nor a cloth cleaner with the spanning cord behind his ear; nor a weaver with the stuffing cotton behind his ear; nor a dyer with samples around his neck; nor a money changer with the dinar in his ear. If, however, they did so, they are free, though they ought not to start it; so is the decree of R. Mair. R. Jehudah, however, says: The laborer only (going out) after the manner of his profession is culpable; but not common men."

In the school of R. Ishmael it was taught: "One may go out with the phylacteries on his head at twilight on the eve of Sabbath." Why so? As Rabha b. R. Huna said: One must feel the phylacteries on his head at all times, and in consequence he will be reminded, through feeling the phylacteries, that he must remove them before the Sabbath.

There is a Boraitha: A man must examine his garments on Friday evening, when it is getting dark, to see whether there is

anything in them that must not be carried about on the Sabbath. Said R. Joseph: This is an important ordinance concerning the Sabbath.

"*One shall not search for vermin*," etc. Does it mean one shall not search for vermin in the day-time (of a Sabbath) lest he destroy any; and he shall not read before a lamp-light lest he snuff (the wick); or are both ordinances connected with each other so as to make the ordinance prohibiting the snuffing of the wick binding? Come and hear. "One shall not search for vermin nor read before the lamp-light." What can we understand from this Boraitha better than from our Mishna? Come and hear another Boraitha: "One shall not search before the lamp-light; also, one shall not read before it." These two ordinances are among the other established Halakhas in the attic of Hananiah b. Hyzkiyah b. Gorion. From this is to be inferred that both cases were prohibited for the same reason, that they may entail snuffing the wick.

R. Jehudah in the name of Samuel said: One must not try to distinguish even between his own and his wife's garments (before the lamp-light). Said Rabha: This is said only for the inhabitants of Ma'hoza,* but among the dwellers of rural places the garments can easily be distinguished. And even among the inhabitants of Ma'hoza, only the garments of old women cannot easily be distinguished from those of the men, but not of young women.

The rabbis taught: One shall not search for vermin in the street out of self-respect. In the same wise, R. Jehudah or R. Ne'hemiah taught that one shall not vomit in the street out of self-respect. The rabbis taught: One who searches his garments and finds a louse shall not crack it, but simply rub it with his fingers and throw it away (on the Sabbath). Says R. Huna: This should also be done even on week days, out of self-respect.

We have learned, R. Simeon b. Elazar said: "One shall not kill vermin on the Sabbath." So said Beth Shamai; Beth Hillel, however, allowed this. R. Simeon b. Elazar used also to say in the name of R. Simeon b. Gamaliel: "One is not allowed to negotiate marriage engagements for children, nor to engage teachers or artisan masters for children, nor to pay visits of condolence to mourners, nor to visit the sick on the Sabbath. Such is the decree of Beth Shamai; Beth Hillel, however, allows all this."

* Large cities where the men are effeminate and wear garments like the women.

The rabbis taught: If one comes to visit the sick on the Sabbath, he shall say: "It is Sabbath and we are not to cry, but relief is drawing nigh." R. Mair said, one should say: "The Sabbath (if respected) may bring mercy." Rabbi Jehudah said: "May the Omnipotent have mercy with thee and toward the sick of Israel." R. Jose said: "May the Omnipotent bestow mercy on thee *amongst* the sick of Israel." Shebhna the Jerusalemite when he entered (a sick-room on the Sabbath) said, "Shalom"; on leaving he said: "To cry! it is Sabbath; nevertheless, relief is nigh"; "As His mercies are great," and "Rest ye in peace."

According to whom is what R. Hanina said: "He who has a sick person in the house should include him (in his prayers) amongst the sick in Israel"? It was in accordance with R. Jose. R. Hanina also said that it was with difficulty that the rabbis allowed visits of condolence to be paid to mourners and to visit the sick on a Sabbath. Rabba b. b. Hana said: When I accompanied R. Eliezer while visiting the sick, I sometimes heard him say (in Hebrew): "May the Omnipotent mind thee in peace," and sometimes (in Aramaic): "May the Merciful remember thee in peace." How could he do this? Did not R. Jehudah say: "One should never pray for what he needs in the Aramaic language"? And also R. Johanan: "The angels of service do not listen to one's prayer in the Aramaic tongue, for they know not that language." The case of a sick person is different, as *Shekhina itself* is with him. (This will be explained in Tract Nedarin in the proper place.)

"*One shall not read before the lamp-light.*" Rabba said: It is the same even if the lamp is placed two (men's) heights (from the ground); even two stories high, or even if it is on top of ten houses, one above the other. "*One* shall not read," but *two* may? Have we not learned, "Neither one nor two"? Said R. Elazar: This presents no difficulty. Our Mishna treats of two reading one subject; and there it treats of two reading different subjects. Said R. Huna: Around the hearth-fire even ten persons shall not read together. Rabha, however, said: A prominent man may read, as he would not degrade himself by stirring the fire.

An objection was raised from the following: One should not read before a lamp-light, lest he snuff the wick. Said R. Ishmael b. Elisha: "I will read and not snuff it." Once he actually read and was tempted to snuff the wick. And he exclaimed:

" How great is the saying of the sages, that one should not read before a lamp-light." R. Nathan said: He actually snuffed the wick and noted in his diary: " I, Ishmael b. Elisha, have read before the lamp on Sabbath, and have snuffed the wick. When the holy temple shall be rebuilt, I will bring a fat sin-offering." Said R. Aba: With R. Ishmael b. Elisha it is different, for while studying the Law he always considered himself common.

There is one Boraitha: A servant may examine cups and dishes (to see if they are clean, before the lamp); and another, that he may not. This presents no difficulty. The former treats of a servant in permanent engagement;* the latter of one who performs occasional service. And if you wish, it may be said that both Boraithas apply to a permanent servant: the latter in the case of a lamp which is fed with oil, the former in the case where it is fed with naphtha. (Naphtha emits a bad odor; he will therefore not be tempted to touch it.)

The schoolmen propounded a question: May a servant that is not permanently engaged (examine his utensils) before a lamp fed with oil?

Said Rabh: The rule is laid down (that he may), but we do not practise it. R. Jeremiah b. Aba, however, said: So is the rule, and so we practise.

Once R. Jeremiah b. Aba took (his Friday night meal) at the house of R. Assi. His servant (R. Jeremiah's retainer, who was at the time doing occasional service in R. Assi's house) proceeded to examine (the dishes) before the lamp. Said the wife of R. Assi (to her husband): " You, my master, do not approve of this." " Let him be," answered R. Assi; " he acts according to the opinion of his master."

" *Of a verity they said, an instructor*," etc. Was it not said, " He may see"? For what purpose should he do this but to read? Nay; he should see in order to watch the sequence of paragraphs. So also said Rabba b. Samuel: " He may arrange the sequence of paragraphs." Consequently, may he not read the paragraphs through? Would this not oppose the statement of R. Simeon b. Gamaliel, who said: " Children in their rabbi's house used to arrange their paragraphs and read before the lamp-light"? With children the case is different; out of fear for their master they will not be led to adjust.

MISHNA *IV.*: And these are some of the regulations

* A servant in permanent engagement is more careful about his dishes, for fear that he may lose his position. He is therefore more apt to adjust the wick.

enacted in the attic of Hananiah b. Hyzkiyah b. Gorion, when the rabbis came to visit him. They called the roll and found that the disciples of Shamai were more numerous than those of Hillel, and they enforced eighteen regulations on that day.

GEMARA: Said Abayi to R. Joseph: Does the expression "and these," etc., refer to the things that were mentioned, or is "these" used with reference to things to be mentioned farther on? Come and hear. "One shall not search for vermin or read before a lamp-light; *and these* are some of the regulations," etc. From this it is obvious that "and these" is the correct version.

The rabbis taught: The "Roll of Fasts" was written by Hananiah b. Hyzkiyah and his company, for they thought with fondness of the troubles (which their race had experienced). Said R. Simeon b. Gamaliel: We also think with fondness of the troubles; but what shall we do? If we were to record (all the troubles our race has experienced since that time) we would never finish. It may also be said: A fool never feels trouble, or (more pointedly) a dead member on a living body feels not the lancet.*

MISHNA *V.*: The Beth Shamai said: Ink, dye material, or fodder (for animals) shall not be put into water (on Friday) unless there is still time for them to soak through while it is day. The Beth Hillel, however, permits this. The Beth Shamai prohibits putting bundles of linen thread (to bleach) into the oven unless there is sufficient time left for them to become heated through while it is yet day, or wool into a dye-kettle unless there is still time for it to be soaked through the same day. The Beth Hillel permits this. The Beth Shamai says: Traps shall not be set for animals and birds, or nets for fishes (on Friday), unless there is still time for them to be caught before sunset. The Beth Hillel permits this. The Beth Shamai says: One shall not sell anything to a Gentile (on Friday) or help him load his animal, or help him shoulder a burden unless he (the Gentile) can reach (with his load) the nearest place while it is yet day. The Beth Hillel permits this. The Beth Shamai

* The Gemara discusses here the eighteen precautionary measures which were enacted in the attic referred to, and tried also to find them out, as what they were is not mentioned in the Mishna at all. As none of them, except the two mentioned in the Mishna (which is not discussed at all), belong to Sabbath, we have omitted the whole discussion. However, we have named all of them in the appendix to this tract [Vol. II., pp. 381–390, *q. v.*], and we have shown that all of these enactments were political and of great necessity at that time.

says: Hides shall not be given to a tanner nor clothes to a Gentile washer (on a Friday) unless there is still sufficient time left for him (the Gentile) to finish it while it is day. The performance of all these acts of labor heretofore mentioned was permitted by the Beth Hillel (on Friday) while the sun was still shining. Rabbi Simeon b. Gamaliel said: At my father's house it was the custom to give out white clothes to a Gentile washer three days before the Sabbath. Both schools, however, agree that the presses may be put on olives and grapes in the press-pits (as long as it is still daytime).

GEMARA: Who is the Tana that maintains that putting water on ink constitutes the final work on it? Said R. Joseph: (It is Rabbi of the following Boraitha: "If one put flour (in a vessel) and another one put water on it, the latter is culpable (of the act of kneading); so is the decree of Rabbi." R. Jose, however, says that one is not culpable until he kneads it.

The rabbis taught: At twilight on the eve of Sabbath one may make an opening in a spring, so that the water run into the garden the whole day (of the Sabbath). He may also put smoking incense underneath garments, so that they hold the fragrance the whole day. It is also allowed to put burning sulphur under enamelled vessels, so that its smoke work on the paints the whole Sabbath day. It is also allowed for one to put a balm on the eye and a plaster on a wound, so that the healing process continue throughout the Sabbath; it is prohibited, however, to put grain into a water-mill, unless there is yet enough daytime left for it to be ground. Why so? Said R. Joseph: Because one is obliged to give rest even to tools on Sabbath.

Now, since it was said that the resting of tools is obligatory according to the decision of the Beth Hillel, why did they permit putting sulphur and incense to smoke, or linen thread to bleach during the Sabbath? Because no act was being done, and (the tools were practically) at rest. But do not traps set for animals, birds, and nets for fishes work? Why, then, did they allow these? Here, too, they treated only of fishers' rods and traps, which do no work (but into which animals work themselves).

Now, as R. Oshia has declared in the name of R. Assi, that only the Beth Shamai holds that there is a biblical obligation for the resting of tools, but not the Beth Hillel, all the acts enumerated above are permitted by the latter, even in the event of the tools performing work.

Who is the Tana of what the rabbis taught anonymously as follows: "A woman shall not put dried lentils and peas into the oven on Friday when it is getting dark and leave them there (to get soft); and if she needs them for after the Sabbath she shall not use them, unless she waits the length of time required to cook them afresh. In the same wise a baker shall not put a vessel with water in the oven on Friday when it is getting dark; and if he needs (the hot water) for after the Sabbath, he shall not use it unless he waits the length of time it would require to boil it afresh." Shall we assume that this is in accordance with the Beth Shamai, but not with Beth Hillel? It may also be in accordance with the Beth Hillel, as the prohibitions were made as precautionary measures lest one stir the coals. If such is the case, the burning of incense and sulphur (as mentioned in our Mishna) should also be prohibited for the same reason. There is to be feared that the coals might be stirred, while here is no fear of that, as when the coals are stirred smoke may arise and injure the enamel or the garments. In the case of the linen thread also, no precautionary measure was necessary, because the draught caused by the admission of air into the oven would prove injurious to the thread, and therefore one would not open the oven to stir the fire. Then let the placing of wool into a (dye) kettle be prohibited as a precautionary measure? The Mishna treats of a kettle that stands at some distance from the fire; so says Samuel. Still, the apprehension exists that he may stir the dye. Nay, we speak of a kettle whose cover is sealed with clay.

Now that the master said that the prohibitions (of the Boraitha) are only precautionary measures, to prevent one from stirring the coals, a cold pot may be put in the oven on Friday when it is getting dark. Why so? Because the victuals in it cannot be used the same evening, and he (the cook) will never think of stirring the coals.

"*One shall not sell a thing to a Gentile,*" etc. The rabbis taught: The Beth Shamai said: One shall not sell a thing to a Gentile, nor lend it to him, nor help him carry it, nor lend him nor present him with any money on Sabbath eve unless there is time enough for the recipient to reach his house before night comes on. The Beth Hillel said (all this may be done) if there is time enough to reach his house at the wall of the city where he lives. R. Aqiba, however, says: It is sufficient if there is time enough for the Gentile to leave the house of the Jew.

Said R. Jose b. Jehudah: "R. Aqiba contends that his teaching does not contradict that of the Beth Hillel, but merely explains the latter's real intent."

The rabbis taught: One may put down eatables on his own grounds for a Gentile (on the Sabbath). If the latter takes the eatables and carries them off, he need not prevent him.

The rabbis taught: One shall not hire out his tools to a Gentile on Friday, but he may do so on Wednesday or Thursday (even if he knows positively that the Gentile will use them on Sabbath). In the same manner, it is prohibited to transmit a letter by a Gentile on Friday, but it may be sent on Wednesday or Thursday. It was said of R. Jose the Priest, according to others the Pious, that his handwriting was never found in the hands of a Gentile (for fear that it might be carried on the Sabbath).

The rabbis taught: One shall not send a letter by a Gentile on Friday unless he stipulated a certain sum for the delivery. If such a stipulation was not made, the Beth Shamai says it must not be delivered, unless the messenger has time to reach the house in which it is to be delivered (before sunset); the Beth Hillel, however, maintains: He may do it if the messenger has time to reach the house nearest to the wall of the city where the letter is to be delivered. Was it not taught at first that "one shall not send" at all? This presents no difficulty. In the first part the case treats of a town which has no post-office; in the latter part the Boraitha speaks of a town which has one.

The rabbis taught: One shall not embark on a vessel less than three days before the Sabbath. This is the case if one goes (to sea) on private business, but if he goes for a meritorious act, he may do so. He may make a stipulation with the owner of the boat that it shall rest on Sabbath, although he is aware that he will not do so; so is the decree of Rabbi. R. Simeon b. Gamaliel, however, maintains that such a stipulation is not necessary. To travel from Tyre to Zidon (a journey of a few hours) one may embark even on Friday.

The rabbis taught: Siege shall not be laid to Gentile cities less than three days before the Sabbath, but when the siege is laid it need not be interrupted. So also Shamai used to say: It is written, "until it is brought down" [Deut. xx. 20], *i.e.*, even on a Sabbath day.

"*R. Simeon b. Gamaliel said,*" etc. There is a Boraitha:

R. Zadok said: "It was the custom at the house of Rabban Gamaliel to give white clothes to the washer three days before the Sabbath, but colored clothes even on a Friday." From this we have learned that it is harder to wash white clothes than colored ones. Abayi gave colored clothes to the washer and asked: How much wilt thou take for washing them? "As much as for white clothes," answered the washer. Said Abayi: "The rabbis have preceded thee with their declaration" (that white clothes are harder to wash).

"*Both schools agree*," etc. Why did the school of Shamai enforce precautionary measures in all the previous cases, but in the case of wine and oil presses they did not do so? They prohibited the performance of such labor as involves the obligation of a sin-offering, if performed (unintentionally) on the Sabbath, or on a Friday when approaching darkness; but for the putting of press beams on grapes or olives, which does not involve the obligation of a sin-offering even if done on the Sabbath, the precautionary measure was not necessary.

From this it may be inferred that work which continues by itself may well be started (late on Friday).* Who is the Tana that holds so? Said R. Jose: R. Ishmael of the Mishna (Ediath, II. 7): "Garlic, unripe grapes, and green grain-stalks which were crushed (on Friday) while yet day, may be put under pressure at sunset; so is the decree of R. Ishmael. R. Aqiba, however, says: "It must not be done." R. Elazar (b. Pedath), however, said that the Tana in question is R. Elazar (b. Samoa) of the following Mishna: "Honeycombs that were crushed on Friday shall not be put in the press (at sunset), so that the honey run out by itself; R. Elazar, however, permits it." R. Jose b. Hanina has practised in accordance with the theory of R. Ishmael.

The oil and the covers of the small oil-presses Rabh prohibits to handle on the Sabbath. Samuel, however, permits it. The same is the case with reed-cloth; Rabh prohibits, and Samuel permits (to handle). Covers that are used on board of a vessel to cover the deck Rabh prohibits, and Samuel permits the handling of.

R. Na'hman said: "A goat that is kept for its milk, a sheep that is kept for its wool, a hen that is kept for its eggs, an ox

* Without requiring the labor of man when once started, as is the case with wine and oil presses, in which case the beams, once put on grapes or olives, force the fluids to run down of their own accord.

that is kept for the plough, and dates that are put up for the market, are prohibited for use at a biblical feast," according to Rabh; Samuel, however, said it was permitted. The point of their differing is the law of *Muktza*, in which R. Jehudah and R. Simeon differ. (It is explained farther on that, according to the latter, no *Muktza* exists.)

A disciple in 'Harta of Argis* decided cases according to R. Simeon's teaching, and R. Hamnunah put him under the ban. But have we not adopted the opinion of R. Simeon? Yea, but 'Harta was within the jurisdiction of Rabh, and he (the disciple) should not have done as he did against Rabha's teaching.

MISHNA *VI.*: Meats, onions, and eggs shall not be put to roasting on the eve of Sabbath, unless they can be done while it is yet day.

Bread shall not be put in the oven or a cake upon live coals, unless the crust can be formed while it is yet day. R. Elazar says it is enough if the bottom crust is formed. The Passover sacrifice may be turned around in the oven (on Friday) when it is getting dark. In the heating-house of (the sanctuary) the fire was fed at eventide. The fires in the rural districts may be fed until the flames envelop the greatest part (of the fuel). R. Judha says: "Where coals were already burning more fuel may be added, even when Sabbath is quite near at hand."

GEMARA: When should such victuals be considered done? Said R. Elazar in the name of Rabh: "When they are done like the victuals of Ben Drostai." † As we have learned in a Boraitha: Hananiah says all victuals that are done like the victuals of Ben Drostai may be left upon the hearth, even if the fire in the hearth is not stirred up and full of ashes.

"*Bread shall not be put*," etc. The schoolmen propounded a question: ("Does R. Elazar speak of) the crust that is formed near the wall of the oven, or the crust formed (on the side of the loaf, that is turned) to the fire?"

Come and hear. R. Elazar says: "It is sufficient if the surface is crusted, which lies close to the wall of the oven."

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* Argis was the man who built the city of 'Harta and R. Hamnunah lived in that city. The cave in which he is buried is still in existence there. So I have found written in an answer of a Gaon. (Rashi.)

† A notorious highwayman, who could never stay in one place long enough to cook his meals, and was wont to do only the third part of cooking they required.

"*The Passover sacrifice may be turned,*" etc. Why so? Because a company (when preparing a sacrifice in the temple) is very cautious.

But if this were not the case, would it not be allowed? Has not the master said: A (sacrificial) kid may be used, well done or not well done? Aye, but in that case it is cut in pieces; in our case it could not be cut in pieces.*

"*The fire in the heating-house,*" etc. Why so? Whence is this deduced? Said R. Huna: It is written [Ex. xxxv. 3]: "Ye shall not kindle any fire throughout your habitations upon the Sabbath day." *Your* habitations excluded the sanctuary. R. Hisda opposed: If it is so, then they may do so on Sabbath itself; therefore he explains thus: The cited verse excludes only the parts of the members which are already upon the altar, and the reason of our Mishna is because priests are very careful.

"*In the rural districts,*" etc. What does "the greatest part" mean? According to Rabh: "The greatest part of each piece"; and according to Samuel: "Until no more small wood is needed to make the heap burn." R. Hyya taught the following Boraitha in support of R. Samuel: "The flame should continue rising by itself, and not by the assistance of anything else." And to only one log of wood?—until the fire catches most of its thickness; and according to others, the most of its circumference, was the decision of Rabh. Said R. Papa: To comply with both views just mentioned it is right that the fire should catch both, the most of its thickness and the greatest part of its circumference. However, regarding this law Tanaim of the following Boraitha differ. R. Hyya says: Until it is so burned that it is unfit for any carpenter's work. R. Judah b. Bathyra says: Until the fire catches both sides. And although this cannot be substantiated by evidence (from Scripture), there is a hint of this—viz.: "Both ends are consumed by the fire and the inside is scorched; is it fit for any work?" [Ez. xv. 4].

It was taught: R. Kahana said: Reeds, if they are tied together, must (have enough daytime on Friday) to burn over half; if not tied together, less is sufficient. *Granum* must have enough time for the fire to catch their greater part; if they are put in a fire-pot, they need not. R. Joseph taught four sub-

* See Ex. xii. 9, 46, where it is explicitly ordained that the paschal lamb should not be dismembered, and no bone should be broken.

stances (used as fuel) need not (have time until the fire catches) the greater part—viz.: pitch, sulphur, cheese, and running fats. In a Boraitha it was taught that straw and (wood) shavings belong to the same category. R. Johanan said that the same is the case with fuel in Babylon. What does it mean? According to R. Joseph bast, and according to Rami b. Aba branches.

APPENDIX.

[Explanatory to p. 8, line 2 (Erubhin, p. 25).]

There is a Boraitha in addition to the last Mishna of Chap. IX., ibid., p. 226, as follows: "More than this said R. Jehudah: 'He who has two houses, one on each side of public ground, may add to each a beam or a side beam (for a sign), and this allows him to carry things from one house into the other.' To which the rabbis answered that such an *erubh* does not suffice for public ground." (The reason of R. Jehudah's statement is that biblically two partitions suffice to turn premises of public ground into private ground, with which the rabbis do not agree.)*

* This Boraitha was omitted in Tract Erubhin. Here, however, to render the above-mentioned passage clearer for the reader, we deem it necessary to translate it.

CHAPTER II.

REGULATIONS CONCERNING THE SABBATH AND 'HANUKAH LIGHT.

MISHNA *I.*: What shall and what shall not be used for lighting (the Sabbath light)? The light shall not be made with (wicks of) cedar bast, raw flax, silk fibre, weeds growing upon the water, and ship-moss.* Nor shall pitch, wax, cotton-seed oil, oil of rejected heave-offerings,† fat from the tail of a sheep, and tallow be used.

Nahum the Modait says melted tallow may be used for lighting; the schoolmen, however, prohibit melted and raw tallow alike.

GEMARA: Rabbin and Abayi were sitting before Rabbanah Ne'hemiah, the brother of the Exilarch (after the death of his brother he became Exilarch under the name Ne'hemiah the Second), and they saw that he was dressed in a mantle of *μεταξα* (raw silk). Said Rabbin to Abayi: "This is called in our Mishna *khlakh.*" ‡ And he answered: "In our city it is called *Shira Peranda* (*ferandinis*)." The same (Rabbin and Abayi) happened to be in the valley of Tamruritha, and they saw a kind of willow, and Rabbin said to Abayi: "This is *edan* mentioned in our Mishna"; and he rejoined: "This is only common wood; how could a wick be made of it?" He peeled off one of them and showed him a kind of woolly substance between the bark and the stem.

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* Moss springing up on the hulk or boards of a ship.

† The text reads "oil for burning," the full explanation of which is given in the Talmud farther on. We have paraphrased the term to convey the sense to the English reader.

‡ The terms in the Mishna, with which it must not be lighted, are expressed in a mixture of Hebrew, Greek, and Roman names. The Gemara then discusses what is meant by the names, and, probably, some of the Babylonian Amoraim did not understand Greek or Roman, as is seen from the fact that Rabbin did not know of the name *metaxa* when he saw it on the body of Ne'hemiah, and exclaimed only, "This is meant by the expression *khlakh*"; and Abayi answered in broken Roman, *Paranda.* We, as we have translated the names into English, have omitted the whole discussion in the first edition. In this second edition, however, we are disposed not to omit at least the historical facts.

The rabbis taught: All that which was prohibited for the Sabbath lamp may be used in fires that are kept up for heat or even for constant light, whether (such fires are built) upon the ground or in the hearth; as the materials are prohibited only for use as wicks for the Sabbath lamp.

Rabba said: The wicks which the rabbis forbade the use of in the Sabbath lamp are prohibited because they give a flickering light. The oily substances were prohibited because they do not adhere to the wick.

Abayi questioned Rabba: Would it be permitted to mix oil with these prohibited fats and then use them for the Sabbath lamp ? Or is even that prohibited as a precaution lest one use those fats without the addition of oil ? Rabba answered: It is prohibited. Why so ? Because they do not give a right light.

Abayi objected to him from the following: " R. Simeon b. Gamaliel said: ' In my father's house they wound the wick around a nut and lighted it'; hence you see that it may be lighted." Said Rabba: " Instead of contradicting me with the saying of R. Simeon b. Gamaliel, support my view with the decision of the first Tana" (of our Mishna). This would not do, as the record of an act is incontrovertible. *Still* the record of the master remains contradictory. The Mishna is not complete, and should read thus: " If one has wound a thing that may be used (as a wick) around a thing that may not be used, he is not permitted to light it. This is the case when the two (substances) are to serve the purpose of a wick, but if the prohibited substance is used merely to support the permissible (the combination) is allowed, as so said R. Simeon b. Gamaliel, ' In my father's house,' " etc.

But, after all, it is not so. Did not R. Beruna teach in the name of Rabh: To melted tallow or fish fat one may add some oil and use it for the Sabbath lamp ? These substances adhere to the wick in themselves. But the rabbis had prohibited melted tallow or fish fat as a precaution, lest (if the melted substance be allowed) one use it raw also for light. Why did they not enact the prohibition to use these substances with the admixture of some oil as a precaution lest they be used without the admixture of oil ? This itself is a precautionary measure; shall we enact another as a safeguard to it ?

R. Huna said: The wicks and fats which the sages have prohibited for the Sabbath lamp cannot be used for the 'Hanukah lamp either on the Sabbath night or on week nights. Said

Rabba: The reason of R. Huna's theory is because he holds that if the ('Hanukah lamp) is extinguished (by accident) it must be relighted, and also that its light may be used to work by. R. Hisda, however, maintains that it can be fed (with these fats) on week nights, but not on the Sabbath night. Because he holds that if it is extinguished, one is not in duty bound (to light it again), and as long as it burns it may be used to work by.

R. Zera in the name of R. Mathna, according to others in the name of Rabh, said: The wicks and fats which the sages prohibited for the Sabbath lamp may be used for the 'Hanukah lamp, both during the week and on the Sabbath night. Said R. Jeremiah: The reason of Rabh's decision is because he holds that if it is extinguished he need not relight it, and its light is prohibited to be used." The rabbis declared this before Abayi, in the name of R. Jeremiah, and he would not accept it; when Rabbin came from Palestine he declared the same before Abayi in the name of R. Johanan, and he accepted it and said: "Had I been worthy, I would have accepted this teaching before."

It is said in the name of Rabh: "If it is extinguished, it is not needed to relight it." Is this not contradicted by the following: "The proper ordinance is for (the 'Hanukah light) to last from sunset until footsteps are no longer heard in the street"?* Does this not mean that if extinguished it must be relighted? Nay, the time appointed is only for the purpose of determining when the light is to be lit, or a light should be made which will last for the appointed time.

"Until footsteps are no longer heard," etc. Up to what time is this? Said Rabba b. b. Hana in the name of R. Johanan: "Up to the time when the steps of the Tarmudites† are heard no more."

The rabbis taught: The law of 'Hanukah demands that every man should light one lamp for himself and his household. Those who seek to fulfil it well have a lamp lit for every member of the household. Those who seek to fulfil the law in the best possible manner should light according to Beth Shamai the first night eight flames, and every following night one flame

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* The ceasing of footsteps in Talmudical language implies the time when people have already retired.

† Vendors of shavings and small wood, which are bought for the hearth-fire in the evening.

less. And according to Beth Hillel the reverse—the first night one lamp, and be increased by one on each succeeding night. Said Rabba b. b. Hana in the name of R. Johanan: "There were two sages in Zidon; one did according to the decision of Shamai's school, and gave the reason that the 'Hanukah lamp is to be lit in the same manner as the sacrifices of the feast were offered,* and the other according to the school of Hillel, with the reason that holy actions should show (emblemize) increase and not reduction.

The rabbis taught: It is a merit to put the 'Hanukah lamp on the outside door of the house; and he who lives in an attic puts it in a window that opens into the street. In time of danger, however,† it is sufficient if the lights are on the table. Said Rabha: In the latter case another light is required to work by; but if there is a hearth-fire in the house, it is not necessary. However, if the man is of high standing (and not in the habit of working by the hearth-light) he must have another lamp.

What is 'Hanukah? The rabbis taught: "On the twenty-fifth day of Kislev 'Hanukah commences and lasts eight days, on which lamenting (in commemoration of the dead) and fasting are prohibited. When the Hellenists entered the sanctuary, they defiled all the oil that was found there. When the government of the House of Asmoneans prevailed and conquered them, oil was sought (to feed the holy lamp in the sanctuary) and only one vial was found with the seal of the high priest intact. The vial contained sufficient oil for one day only, but a miracle occurred, and it fed the holy lamp eight days in succession. These eight days were the following year established as days of good cheer, on which psalms of praise and acknowledgment (of God's wonders) were to be recited.

R. Kahana said: R. Nathan b. Manyomi in the name of R. Tanhum lectured: "A 'Hanukah lamp becomes disqualified if it is put higher than twenty ells (from the ground), just like a Sukkah (booth) and like the side beam of an alley."

Rabba said: The merit of the 'Hanukah lamp is that it be put within a span of the house door. And on which side? R. A'ha b. Rabha said to the right, R. Samuel of Diphti said to

* The sacrifices of the Feast of Booths were decreased in number each succeeding day. See Numbers xxix. 13, 17, 23, 25, 29, 32.

† Time of danger is used here to designate the time when a prohibitive order against lights is issued by the local government.

the left (of the entrance). And the Halakha prevails that it should be placed to the left of the entrance, so that the 'Hanukah light be on one side and the Mezuzah* on the other side of the door.

R. Jehudah in the name of R. Assi said: It is not allowed to count money by the 'Hanukah light. When this was cited before Samuel, he said: "Is there any holiness in the light?" R. Joseph retorted: Is there any holiness in the blood of an animal? and yet have we not learned in a Boraitha: It is written: "Then shall pour out the blood . . . and cover it" . . . [Lev. xvii. 13]. From this we infer that he must cover it with the same hand it was shed with, but not with his foot, in order that the fulfilment of the commandment should not be treated with lack of reverence. In our case, too, the light must not be used for anything, in order that the compliance with an ordinance should not evince a lack of reverence.

R. Joshua b. Levi was questioned: May the fruits, hung up in the Sukkah for ornamentation, be used during the seven days of the feast? He answered: Even to the 'Hanukah light a law was passed prohibiting the counting of money. Said R. Joseph: "Lord of Abraham!" Here he connected a law that was enacted (by the ancient masters) with one that was not discussed by them. The law concerning the Sukkah was biblical, that concerning 'Hanukah was not biblical but rabbinical. Therefore said R. Joseph: The precedent of all these cases is the law concerning the blood (which was cited above).

It was taught: Rabh said: It is not allowed to light one 'Hanukah light with the other; Samuel permits this. Rabh prohibited Tzitzith (show-threads) to be taken out of one garment and put into another; Samuel permits also this. He also said that the Halakha does not prevail in accordance with R. Simeon regarding dragging across the floor (which will be explained farther on); and Samuel maintains it does.†

Said Abayi: "My master followed the decisions of Rabh in all questions except the three mentioned above, which he decided according to Samuel."

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* "Mezuzah," door-post, technical name for the writing which was to be placed on the door-post by the command of Deut. vi. 9 and elsewhere. The rabbis decreed that this was to be placed to the right of the entrance.

† The different contentions given above may seem somewhat out of place; however, they are cited merely to show the differences of opinion existing among the different schools and sages.

One of the rabbis in the presence of R. Ada b. Ahba said: "Rabh's reason for prohibiting these acts was to prevent irreverence in the compliance with the law." Said R. Ada to the scholars present: "Hear him not; Rabh's reason was to prevent stinginess in the fulfilment of laws." And what is the difference between the two? It is in the lighting of one 'Hanukah lamp with another. He who says that irreverence was the reason cannot prohibit this; but he who holds stinginess to be the reason, prohibits even this rightfully.

How is this question to be decided? Said R. Huna b. R. Joshua: "Let us see whether the act of lighting the lamp constitutes merit, or whether it is the act of putting it in its proper place"; this question having been already propounded by the schoolmen (the answer, when given, will serve for the above also).

Come then and hear the following: R. Joshua b. Levi says: "A lantern (that was lit for 'Hanukah on Friday night) and kept burning the whole following day must, at the close of the Sabbath, be extinguished and then relighted." Now if we say that the lighting constitutes compliance with the commandment, this teaching is correct; but if we say that the placing of the lamp in its proper place constitutes the merit, it should be said: "It should be extinguished, raised up, put in its proper place, and then lit." And also, since we pronounce the benediction, "Blessed art Thou, etc., who hast commanded us to light the 'Hanukah lamp," it becomes clearly apparent the lighting constitutes compliance. And so it is. Now that we come to the conclusion that the act of lighting constitutes the merit, it is understood that if this was done by a deaf-mute, an idiot, or a minor, the act is not valid; a woman, however, may surely light it, as R. Joshua b. Levi said: "Women are in duty bound to light the 'Hanukah lamp, for they were included in miracle."

R. Shesheth said: A guest (at a stranger's house) is obliged to light the 'Hanukah lamp. Said R. Zera: When I was studying at the school of Rabh, I contributed my share towards maintaining and lighting the lamp with mine host. Since I am married, I say, I surely need not light it now, for it is lit for me at my house.

R. Joshua b. Levi said: "All fats are good for the 'Hanukah lamp, but olive oil is the best." Abayi said: "My master always sought for poppy-seed oil, because, said he, it burns slowly (and

the light lasts longer), but when he heard the saying of R. Joshua b. Levi, he sought for olive oil, for that gives a clearer light."

Hyya b. Ashi in the name of Rabh said: He who lights the 'Hanukah lamp must pronounce a benediction. R. Jeremiah said: He who perceives it must pronounce a benediction. R. Jehudah said: He who perceives a 'Hanukah lamp on the first day must pronounce two benedictions, and the one that lights it on the first day, three;* after the first day, the one that lights it must pronounce two benedictions and the one that perceives it one.

What benediction would he omit? The benediction of time. But why not omit the benediction of the miracle? Because the miracle was continued every day (of the eight). And what is the (special) benediction? "Blessed be, etc., who hallowed us with His commands and ordained that we shall light the 'Hanukah lamp." But where did He ordain this? Said R. Avya: (This command is included in) "Thou shalt not depart," etc. [Deut. xvii. 11]. R. Nehemiah, however, from the following said: "Ask thy father and he will tell thee; thine elders, and they will inform thee" [ibid. xxxii. 7].

R. Huna said: A house that has two doors must have two lamps. Said Rabha: This is only in case when the two doors are in two different sides of the house; but if they both open on the same side it is not necessary. Why so? Because the townsmen may pass by the side which has no lamp and suspect the owner of the house of not having lit any at all. And where is it taken from that one must endeavor to avoid suspicion? From a Tosephtha in Peah, Chap. I., which states plainly that every one must do so.

R. Isaac b. Rediphah in the name of R. Huna said: "A lamp with two mouths (so that two wicks can be lit in it) is sufficient for two men."

Rabha said: If one has filled a dish with oil, put wicks all around the brim, and covered it with a vessel (so that each wick yields a separate flame), it is sufficient for many persons; but if he has not covered it, he makes it appear as one flame of fire, and it is not valid, even for one person.

The same said again: If one (possessing only means enough

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* The three benedictions here referred to are: 1st, for the privilege of lighting the 'Hanukah lamp; 2d, for the miracle which the lamp commemorates; and 3d, for the continuance of life until the season of 'Hanukah. The second benediction is technically designated as that of the "miracle" and the third as that of "time."

to light one lamp) must choose between using this light for a house-light * (on Friday night) or a 'Hanukah light, he should use it for a house-light in order to preserve his domestic peace. If, again, his choice must be between (purchasing) the house-light and (the wine necessary for the celebration) of the holiness of Sabbath, the house-light is to be preferred and for the same reason; however, it is doubtful to me what must be chosen between the 'Hanukah light and the goblet for qiddush. When one cannot afford both, which must he prefer?" "Is the latter to be preferred because it is of regular occurrence,† or is the 'Hanukah light preferable, in order to proclaim the miracle (which it commemorates)?" After deliberating he decided himself that the proclaiming of the miracle has the preference.

R. Huna said: He who makes a practice of lighting many lamps (which the law requires for festive occasions) will be rewarded with scholarly sons. He who is particular about his Mezuzah will be blessed with a fine dwelling. He who is particular about his show-threads (Tzitziths) will be blessed with fine garments. He who is particular to pronounce the benediction of Sabbath over a goblet of wine shall live to have his cellar well stocked.

R. Huna was wont to pass by the house of R. Abbin, the carpenter. He noticed that the latter lit a great many lamps on the Sabbath night. Said he: "Two great men will come forth from this house." And they were R. Jidi and R. Hyya b. Abhin.

R. Hisda was wont to pass by the house of the master (father or father-in-law) of R. Shezbi; he noticed many lights every Sabbath. Said he: "A great man will come forth from this house." This great man was R. Shezbi.

The wife of R. Joseph was accustomed to light her (Sabbath) lamp late. Said he unto her: There is a Boraitha: It is written: "The pillar of cloud did not depart by day nor the

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* "The light for a house-light." The text does not specify on what night, but Rashi's commentary adds Friday night, *i.e.*, Sabbath eve. In our opinion that is not the intent of Rashi; for even on workdays the light used by the household should have preference. Proof is: the reason given is for the sake of domestic peace; were it only to apply to Sabbath eve, the reason given would have been in honor of the Sabbath.

† In all the ordinances to be observed, the rabbis have adopted the rule that if the choice stands between one that recurs at short intervals and one that occurs more seldom, the former is always to be preferred. ("Tadir, vesheaino tadir, tadir kodom.")

pillar of fire by night" [Ex. xiii. 22]. From this we infer that the two pillars always closely followed each other. She then wanted to light up too early. Said a certain old man to her: "There is another Boraitha, however, that (whatever is to be done) should be done neither too early nor too late."

Rabha said: "He who loves scholars, will have sons that are scholars; he who respects them, will have scholarly sons-in-law; he who fears scholars, will become a scholar himself, and if he is not fit for this, his words will be respected like those of an ordained scholar."

"*Oil of rejected heave-offering,*" etc. What is that? Said Rabba: It means oil of heave-offering which became defiled. It is called oil for burning, because it must be destroyed in fire, and the Mishna speaks here of a Friday that happens to fall on a feast day, and the prohibition to light (the Sabbath lamp) with it is because consecrated things that have been defiled must not be burned on a feast day. Said R. Hanina of Sora: "This should be corrected in our Mishna: Why shall one not make a light with the defiled oil? Because defiled things must not be burned on a feast day. And so also we have learned in a Boraitha: All material which must not be used for lighting on the Sabbath, may be lit on a feast day, save the oil for burning."

The schoolmen propounded a question: Should the 'Hanukah incident be mentioned in the benediction after meals? Shall we assume that because it is rabbinical it is unnecessary? or, for the sake of the proclamation of the miracle, it should? Said Rabba in the name of R. S'haura, quoting R. Huna: "It is not necessary; however, if one wishes to do it, he should incorporate it in the thanksgiving part."

R. Hunah b. Jehudah visited the house of Rabha. He was about to mention it in (the prayer part under the heading of) "the One who builds up Jerusalem." Said R. Shesheth: Nay; it should be mentioned in the thanksgiving part of the benediction after the meal, as it is mentioned in the same part in the prayer of the eighteen benedictions.*

The schoolmen propounded a question: Should the New-Moon day be mentioned in the benediction after meals? Shall we assume that the New-Moon day is more important than 'Hanukah because its observation is enjoined in the Scriptures,

* The principal elements of all Hebrew prayers are: 1st, Shebhah, *i.e.*, praise; 2d, Hodayah, *i.e.*, thanksgiving; 3d, Tephilah, *i.e.*, prayer; and 4th, Ta'hanun, *i.e.*, propitiation.

or need it not be mentioned because manual labor is not prohibited on that day? Rabh maintains it may; R. Hanina maintains it may not. Said R. Zerika: "Hold to Rabh's opinion, for R. Oshia holds to the same; as R. Oshia taught: On the days on which additional sacrifices (Musaph) are offered in the sanctuary, like New-Moon days and the middle days of a feast, one must at evening, morning, and afternoon services recite the regular eighteen benedictions and insert in the thanksgiving part of the day's service a passage referring to the subject of the day. And if he has failed to do so, he should be made to repeat them; however, no benediction over a goblet of wine, though a remembrance of their significance must be made in the prayer after meals. On days requiring no additional sacrifice, like the first Monday, Thursday and Monday (after a biblical feast), fast days, and the days (devoted to prayer by) commoners,* one must recite the eighteen benedictions at evening, morning, and afternoon services, and insert a paragraph referring to the subject of the day in the prayer division; and if he forgot the latter he need not repeat them, nor any remembrance of them in the benediction after meals. The Halakha, however, does not prevail with all that was said above. It remains as decreed by R. Joshua b. Levi: If the Day of Atonement happens to fall on a Sabbath day, mention of the Sabbath must be made even in the Neilah prayer (the last of the four different prayers of the Day of Atonement). Why so? Because the Sabbath and the Day of Atonement are now one, and four prayers are indispensable to the services of the day.

MISHNA *II.*: The lamp used on a (biblical) feast-night shall not be fed with oil of rejected heave-offerings. R. Ishmael said: The Sabbath lamp shall not be fed with tar, out of honor for the Sabbath. The sages, however, allow all fatty substances for this purpose: poppy-seed oil, nut oil, fish oil, radish oil, wild-gourd oil, tar, and naphtha. R. Tarphin said: It shall be lighted with nothing but olive oil.

GEMARA: "*R. Ishmael said,*" etc. Why so? Said Rabha: Because it emits a bad odor (and the Tana prohibits it) as a pre-

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* A division of the people had always to be present at the temple to witness the services. The men of such a division were called "commoners" because there was a special place assigned to them in the temple. All of them not being able to attend, they sent their delegates to represent them, but they assembled in their various cities and villages to perform their devotion. The days on which this was done were designated as those of "commoners"—"Ma'amadoth." See Mishna, Ta'anith.

caution, lest one light it and leave the house. Said Abayi: Let him go (what harm is there in that ?). Rejoined Rabha: Because I hold that the Sabbath light is a duty, as R. Na'hman b. R. Zabda or b. Rabha said in the name of Rabh. The (enjoyment of) Sabbath light is an obligation. The washing of hands and feet in warm water toward evening (on Friday) is optional. And I say it is a meritorious act. Why so ? Because R. Jehudah said in the name of Rabh: "It was the custom of R. Jehudah bar Ilayi to bathe his face, hands, and feet in warm water, that was brought to him in a trough every Friday toward evening; after that he wrapped himself in a pallium with Tzitzith (show-threads) and thus assumed an angelic appearance."

It is written: "My soul was deprived of peace" [Lam. iii. 17]. What does this mean ? Said R. Abuhu: It means (being deprived of the pleasure of) lighting the Sabbath lamp. "I forgot the good" [ibid.]. What does this mean ? Said R. Jeremiah: This refers to (the deprivation of) a bath. R. Johanan, however, said: It refers to the washing of hands and feet with warm water. R. Isaac of Naph'ha said: It refers to a good bed and comfortable bedding. R. Aba said: It refers to an arranged bed and an elegantly robed wife for scholarly men.

The rabbis taught: "Who may consider himself rich ?" One who enjoys his riches, is the opinion of R. Meir. R. Tarphon says: He who has a hundred fields, a hundred vineyards, and a hundred slaves at work in them. R. Aqiba said: He who has a wife adorned with good virtues. R. Jose said : He who has a place for man's necessity in his house.*

We have learned in a Boraitha: R. Simeon b. Elazar said: "The Sabbath lamp shall not be fed with aromatic balsam." Why so ? Rabba said: Because it yields a fine fragrance, it was feared lest one use it (taking it out while the lamp is burning). Said Abayi to him: "Why does not the master say because it is volatile ?" Aye, he means this and the other also; the balsam is prohibited because it is volatile, and also for fear lest it be used.

There was a mother-in-law who hated her son's wife, and told her to perfume herself with aromatic oil. When the daughter-in-law had done this, she ordered her to go and light the candle. While complying with this order, she caught fire and was burned.

The rabbis taught: A lamp shall not be fed with defiled

* Toilet rooms were not in vogue at that time, and for their necessity they had to go far out into the field or forest.

"Tebhel"* even on week days, and the less so on the Sabbath. In a similar manner, white naphtha shall not be used to feed a lamp with on week days, much less on Sabbath, because it is volatile.

In the Boraitha it was said that aromatic balsam shall not be used; so also did R. Simeon b. Elazar teach: Aromatic balsam is nothing but resin, that comes forth from aromatic trees.

R. Ishmael said: The (Sabbath) lamp shall not be fed with anything that comes from the trunk of a tree. R. Ishmael b. Beroqa said: It shall be lighted only with such substances as come from fruit. R. Tarphon, however, said: It shall be fed only with olive oil. R. Johanan b. Nuri then arose and said: "What shall the people of Babylonia do, who have nothing but poppy-seed oil? What shall the people of Media do, who have nothing but nut oil? What shall the people of Alexandria do, who have nothing but radish oil? and what shall the people of Cappadocia do, who have no oil of any kind, nothing but tar?" Nay; we have no choice but to accept the decree of the masters as to substances which should not be used. Even fish oil and resin may be used. R. Simeon Shezori said: Oil of wild gourds and naphtha may be used. Symmachos said: No animal fat save fish oil may be used.

MISHNA *III.*: No substance that comes from a tree shall be used (as a wick) save flax. In like manner no substance that comes from a tree becomes defiled when serving as a tent (in which a dead body lies) save flax.

GEMARA: Whence do we know that flax is called a tree? Said Mar Zutra: From what is written: "She took them up to the roof, and hid them in the flax trees" [Josh. ii. 6].

"*No substance*, etc., *save flax.*" Whence is this deduced? Said R. Elazar: From the analogy of expressions "tent," which is mentioned in the case of the tabernacle, and in the case of death [Ex. xl. 19 and Numb. xix. 14]. As the tent of the tabernacle was made only of flax, so also in our case, if a tent is made of flax only, it is also called a tent, and is liable to become defiled.

MISHNA *IV.*: A piece of cloth that was rolled together, but not singed, said R. Eliezer, becomes defiled (when it is in the same tent with a dead body), and shall not be used (as a

* "Tebhel" is the designation of the produce of the field and the garden from which the Levitical gifts or tithes were not separated.

wick) for Sabbath. R. Aqiba, however, said: It remains pure and may be used.

GEMARA: What is the point of their differing? Said R. Elazar in the name of R. Oshia, and so also said R. Ada b. Ahba: The piece of cloth in question is exactly three fingers square, and the lighting is to be done on a feast day, which happens on a Friday. All agree with the opinion of R. Jehudah, who said that (on a feast day) fire may be made with good cloth (or vessels), but not with such as have been spoiled (the same day). Again, all agree with the opinion of Ula, who said that the lighting must be on the largest part of the wick that protrudes from the lamp. Now R. Eliezer holds that the rolling up (of the piece of cloth) does not improve the position (*i.e.*, it is still an object to which the term "cloth" or vessel applies); as soon as it is slightly burned it becomes spoiled material; fire, being applied further, is naturally generated with spoiled material (which is prohibited). R. Aqiba, on the other hand, holds that folding *does* improve the condition and the cloth is no longer a vessel; hence he puts fire to a simple piece of wood (which is allowed).

Rabha, however, said: The reason of R. Eliezer's (prohibition) is that the Sabbath lamp is not allowed to be lighted with a wick or rag that has not been singed.

R. Jehudah in the name of Rabh said: Fire may be made (on a feast day) with vessels, but not with broken vessels. So is the decree of R. Jehudah. R. Simeon permits it. Fire may be made with dates, but after having eaten them fire is not to be fed with their *granum*. A fire may be made with nuts, but after having eaten the kernel one must not feed the fire with the shells, according to R. Jehudah; R. Simeon, however, permits both.

The statement credited to Rabh in the foregoing paragraph was not made by him plainly, but was merely implied from the following act. While in Palestine, one day Rabh was eating dates and threw the pits into the fireplace, upon which R. Hyya said to him: "Descendant of nobles, on a (biblical) feast day this would be prohibited!" Did Rabh accept this or not? Come and hear. While in Babylonia, one feast day Rabh was eating dates and threw the pits to some cattle (for food). Must we not assume that these dates belonged to the class known as "Parsiassa" (a ripe, delicious, free-stone fruit), and if Rabh fed cattle with the pits of this fruit, it was because

they may be used for fuel also, and thus the statement of R. Hyya is contradicted? Nay; it may be the pits that fed the cattle by Rabh were from dates known as "Armiassa" (an inferior fruit, the pits of which cling to the meat). The pits of this latter class of dates, in consequence of the meat still clinging to them, are regarded as dates themselves, and may be handled on the Sabbath. Hence it is obvious that they may also be fed to cattle, and Rabh therefore does not contradict R. Hyya.

MISHNA *V.*: One shall not bore a hole in an egg-shell, fill it with oil, and put it upon the (Sabbath) lamp, so that the oil drip into it; and even if it was a clay one. R. Jehudah permits it. If, however, the potter had attached it to the lamp when he made it, it is allowed to do this, for (together with the lamp) it forms one vessel. A man shall not fill a dish with oil, put it beside the lamp, and dip the (unlighted) end of the wick into it, in order that it should draw. R. Jehudah permits also this.

GEMARA: "*If the potter had attached it*," etc. A Boraitha in addition to it states: If he himself has attached it with mortar or clay, it is allowed. Does not our Mishna say "the potter" (from which it may be inferred that if the owner did it, is it not allowed for use)? Nay; "the potter" means in the manner of the potter.

We have learned in a Boraitha, R. Jehudah said: "Once we kept Sabbath in the attic of Beth Nitza in Lydda. We procured an egg-shell, filled it with oil, and placed it on the lamp. R. Tarphon and the aged scholars were there, and they made no objection to our action." They answered him: "Wilt thou prove by this (that this is allowed)? Beth Nitza is quite a different case, for the men there were very careful."

Abhin of Ziphoris dragged a chair (along the floor on a Sabbath) in the marble hall in the presence of R. Itz'hak b. Elazar. Said the latter: "If I should be silent toward thee (although this floor being marble, no depression can be made by the chair, and thou art not guilty of wrongdoing) as the colleagues were silent toward R. Jehudah, my silence might be misconstrued (and people might think that this can be done on any floor; therefore I say that) this is prohibited in the marble hall as a precautionary measure, lest one do it in any other hall." The head man of the assembly room of Bazra dragged a chair in the presence of Jeremiah the Great. Said the latter to him: "According to whose decision dost thou this?" "According to R.

Simeon." "R. Simeon, however, allowed large things only (to be dragged) if they could not be lifted; but we have never heard from him that he would allow this also with small ones?" This teaching, however, differs with Ulla's theory, who says the dispute was only concerning small things, for as to large ones there was no objection from any one.

MISHNA *VI.*: If one extinguishes a lamp because he is afraid of the officers of the government,* or of robbers, or of an evil spirit,† or in order that a sick person may be able to sleep, he is free. If he does this, however, to prevent damage to the lamp, or to save the oil or the wick, he is culpable. R. Jose declares the man free even in the latter cases, excepting (if he extinguished the lamp to save the wick), for in that case he caused a cinder to be formed.

GEMARA: From the fact that the second part of the Mishna declares the man (who had extinguished the lamp to prevent damage, etc.) culpable, it is evident that this regulation was made by R. Jehudah.‡ Now, how is the first part to be understood? If it speaks of a sick person, whose illness is dangerous, it should not say (that the man who extinguishes the lamp to afford him rest) is "free," but should say that he is "allowed to do it" (even intentionally). And if it speaks of one whose illness is not dangerous, (the one who extinguished the lamp for him) ought to be declared in duty bound to bring a sin-offering? Of a verity, the Tana speaks of a case of dangerous illness, and should have said "it is allowed to do so," but he used the term "free" merely (for the sake of euphony), because in the latter part (of the Mishna) the expression "culpable" was necessary; therefore he taught in the first part of the Mishna, also free. But have we not learned, R. Oshia said, that "in order that a sick person may be able to sleep, one should not extinguish (the lamp on the Sabbath); and if he did so he is not held culpable, though it is not allowed (to be done intentionally)"? The teaching of R. Oshia refers to sickness that is not dangerous, and is in accord with the opinion of R. Simeon.

The question, "Is it allowed to extinguish a lamp for the

* Like the Persians, says Rashi, who had certain nights on which they allowed no lights to burn anywhere but in their sacred shrines.

† The evil spirit here referred to is explained by the commentators to mean "melancholia."

‡ The inference is made on the strength of a rule laid down by R. Jehudah elsewhere, that every unintentional breach of the Sabbath, which is made not out of personal necessity or habit, must be atoned for by a sin-offering. (Rashi.)

sake of a sick person on the Sabbath?" was propounded to Tan'hum of Navi.

He began thus:* "O thou Solomon! Where is thy wisdom? Where is thy folly? Thy words contradict not only the words of thy father, but also thine own utterance. Thy father David said, 'The dead do not praise God' [Ps. cxv. 17], and thou sayest, 'I praise the dead that died long ago' [Eccl. iv. 2], and then again, 'A living dog fareth better than a dead lion' [ibid. ix. 4]. [This presents no difficulty. That which David said, 'The dead do not praise God,' means this: One must always occupy himself with study and with meritorious acts before his death; for as soon as he dies he is free of both, and the Holy One, blessed be He, receives no more praise from him. And the saying of Solomon, 'I praise the dead,' etc., means: When Israel sinned in the desert, Moses stood up before the Lord and offered many prayers and propitiating invocations; but he received no answer. As soon, however, as he said: 'Remember Abraham, Isaac, and Israel, Thy servants' [Ex. xxxii. 13], he was answered forthwith. Now did not Solomon say well: 'I praise the dead that have died long ago'? In another way (this can be explained as follows): The custom is, if a man of flesh and blood issues a decree, it is doubtful whether the people will comply with it or not. If they comply with it while he lives they may disregard it after his death. Moses, our master, on the other hand, has issued many decrees and established many enactments, which stand unshaken forever and aye. Now, did not Solomon say well: 'I praise the dead,' etc.? Another explanation to the above verse may refer to the following legend, which was told by R. Jehudah in the name of Rabh: It is written [Psalms, lxxxvi. 17]: 'Display on me a sign for good, that those who hate me may see it, and be ashamed.' So said David before the Holy One, blessed be He: 'Lord of the Universe, forgive me the certain sin (with Bath-Sheba', II Samuel, xi. 3). And the Lord said: 'It is forgiven.' He prayed again: 'Display on me a sign to make it known.' And the Lord said: 'This will not be done while you are alive, but it will be made known in the time of your son Solomon.' After Solomon had built the Temple and was about to enter the ark into the Holy of Holiness, the doors shut. Solomon had prayed twenty-four

* This apparently far-fetched introduction to an answer to a question of religious legalism illustrates most beautifully how the ethical principle predominated in the rabbinical discussions.

prayers with song, and was not answered. He then began [Psalms, xxiv. 7]: 'Be raised wide . . . and let the King of Glory enter!' The doors then ran after him and wanted to swallow him, saying: 'Who is the King of Glory?' And he said: 'The Lord strong and mighty.' He then said: [ibid., ibid. 9, 10]. And still was not answered. Then he said [II Chron. vi. 42]: 'O Lord God! . . . remember the pious deeds of David thy servant'; he was answered at once, and the faces of his enemies became as black as the outside of a pot; and Israel and all the people were then certain that the above-mentioned sin was forgiven to David. Hence did not Solomon say well: 'I praise the dead,' etc.? And this is what is written [I Kings, viii. 66]: 'On the eighth day . . . and they went unto their tents joyful,' etc.] And as to the above question,* I say this: A lamp is called 'Ner,' and the soul of man is called 'Ner.' † Let rather the Ner which man has made (the lamp) be extinguished, than the 'Ner' (the soul) which belongs to the Holy One, blessed is He."

It was said in the name of Rabh: The sages wanted to conceal the Book of Ecclesiastes because of its contradictory sayings. And it was not so done, because it begins with sound religious teachings and ends with similar teachings. It begins with the words: "What profit hath man by all his toil under the sun?" [Eccl. i. 3]. Whereupon the school of R. Janai said, "*Under* the sun" there is no profit, but there surely is "*beyond* the sun." And it ends with the words: "The conclusion of the matter is, Fear God and observe his commands, for this is all (there is) for man" [Eccl. xii. 13]. What does it mean? Said R. Elazar: (It means) the whole world was created only for the sake of his fear of God. R. Aba b. Kahana said: The God-fearing man outweighs (in importance) the whole world. Simeon b. Azai, others say b. Zoma, said: The whole world was created only to provide him with assistance.

"I praise mirth" [Eccl. viii. 15]. This means the righteous man rejoices when he performs a meritorious act. "And of joy, what doth this do?" [Eccl. ii. 2] alludes to rejoicing that comes not through a Heaven-pleasing deed. This teaches that the divine presence (Shekhina) comes not by sadness, by indolence,

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* The liberality of the rabbinical law is evinced by the fact that it regards an act done for the sake of alleviating sufferings on the Sabbath day not wrongful. Every comfort may and should be provided for the sick on the Sabbath day.

† "Ner" is the Hebrew word for candle; the soul is the candle of God.

by hilarity, by levity, by gossip, or by senseless talk, but through rejoicing in a meritorious deed; as it is written: "Now bring me a minstrel; and when the minstrel played, the power of the Lord was upon him" [II Kings, iii. 15]. Rabba said: The same (should be done) in order to enjoy good dreams. R. Jehudah says: The same (should be done) to predispose one's self for legislative work, as Rabba did: Before commencing to expound a Halakha he introduced it with a simile and caused the masters to become joyful; afterward, he sat down in the fear of the Lord and began to expound the Halakha.

It was taught that in the same time they also wanted to conceal the Book of Proverbs on account of its contradictory sayings. And it was not done, because, they said: "Have we not scrutinized the Book of Ecclesiastes and found the meaning (of its contradictory sayings)? Let us then search deeply here (in the Book of Proverbs) also."

Which are the contradictory sayings? It says: "Answer not the fool according to his folly" [Prov. xxvi. 4]; and then again: "Answer the fool in his folly" [ibid. v. 5]. Yet this is no contradiction; the latter refers to a subject of learning, the former saying to a subject of indifferent talk. How is the subject of learning here to be understood? In the following manner. R. Gamaliel lectured: In the future, woman will bear a child every day, for thus it is written: "She conceived and gave birth at a time" [Jer. xxxi. 7]. A disciple laughed at this and said: "There is no new thing under the sun" [Eccl. i. 9]. Said R. Gamaliel: Come, I will show thee such a thing in the world; and he showed him a hen. The same rabbi lectured: In the future trees will bear every day, for it is written: "It will produce branches and bear fruit" [Ezek. xvii. 23]. "As branches are produced for every day, so also will fruit be brought forth every day." Again the disciple laughed and said: "There is no new thing under the sun." Said the master to him: "Come, I will show thee a thing of this kind in the world; and he showed him a caper tree." He lectured also: "The land of Israel will in the future produce ready cakes and garments," explaining the first part of verse 16 of Psalm lxxii. to that effect.

The disciple again laughed at him; but he showed him that ready meats are produced in the shape of mushrooms, and ready garments grow in the shape of many-colored fibres that cover the young date trees.

The rabbis taught: A man should always be as modest as Hillel, and not as impulsive as Shamai. It once happened that two men laid a wager of four hundred zuz, which would be won by him who could provoke Hillel to anger, but lost if he failed in the attempt. This happened on Friday, while the sage was bathing his head. The man who undertook the task went to Hillel's door and cried: "Who is Hillel here? Who is Hillel here?"* The rabbi threw a mantle over his shoulders and went out to meet him. "What desirest thou, my son?" he asked. "I have a question to ask," the man replied. "Ask, my son, ask," said the rabbi. "Why are the Babylonians round-headed?" asked the man. "This is an important question, my son. The reason is that they have no skilled midwives in Babylon," answered Hillel. An hour later the man came again calling: "Who is Hillel here? Who is Hillel here?" The rabbi came out again and said: "What desirest thou, my son?" "I have a question to ask," the man said. "Ask, my son, ask," said Hillel. "Why have the Tarmudites oval eyes?" "This is a very important question, my son. (The Tarmudites) live in a sandy land and must always keep their eyes half closed." An hour later the man came again in his insolent manner, and said again that he had a question to ask. Hillel in his quiet manner again encouraged him. "Why do the Africans have large feet?" he asked. "Because they live in a swampy land," answered Hillel. "I have many more questions to ask, but I am afraid lest thou get angry," continued the man. Hillel wrapped himself in his mantle and sat down, saying: "Ask, my son, all the questions thou desirest." "Art thou Hillel, who is titled a prince in Israel?" asked the man. "Yes, my son," answered the rabbi. "If thou art the man, may there not be many like thee in Israel?" "Why so, my son?" "Because thou makest me lose four hundred zuz." Said Hillel to him: "Take care of thy temper. A Hillel is worthy that twice that amount be lost through him; a Hillel must not get excited."

The rabbis taught. A Gentile once came before Shamai and asked: "How many laws have you?" "Two laws: the written and the oral law," answered Shamai. "I believe thee as regards the written law, but I do not believe thee as to the oral

* Hillel, being the president of the Sanhedrin, should have been addressed according to his rank, but by addressing him thus, it seems, the man thought he could provoke him to anger.

law," said the Gentile. "I will be converted to Judaism on condition that thou teach me the written law." Shamai rebuked him and drove him away.

He then came to Hillel with the same plea, and Hillel accepted him. He began teaching him the alphabet in regular sequence. The next day he taught him the letters backward. "You did not teach me so yesterday," the man objected. "Aye, aye, my son; must thou not repose confidence in me? Thou must likewise repose confidence in the oral law (which appears at first sight different from the written law)."

Another Gentile came to Shamai saying: "Convert me on the condition that thou teach me the whole Torah while I stand on one foot." Shamai pushed him away with the builders' measure he held in his hand. He thereupon came to Hillel, and the latter accepted him. He told him: "What is hateful to thee, do not unto thy fellow; this is the whole law. All the rest is a commentary to this law; go and learn it."

Another Gentile once heard a Jewish teacher instructing his class about the vestments of the high priest. He took a fancy to that, and thought he would accept Judaism in order to be made a high priest. Thus he appeared before Shamai and said: "Convert me on the condition that I be made a high priest." Shamai pushed him away with the builders' measure he held in his hand. He came to Hillel (with the same request), and the latter accepted him. Said Hillel to him: "Do people select a king unless he knows the laws of their government? Thou must study the laws of our government (if thou wilt become a high priest)." The convert began studying Torah. When he came to the passage: "A stranger who comes near (to the vessels of the sanctuary) shall die" [Numb. i. 51], he asked: "To whom does this passage refer?" Hillel answered: "To any one (who is not a descendant of Aaron the high priest), even if he would be David, the king of Israel." Then the proselyte made the following deduction: If the people of Israel, who are called the children of the Lord, so that out of love to them the Omnipotent said: "My first-born son is Israel" [Ex. iv. 22]—if of them it is written, "a stranger that comes nigh shall die," the more so must it be with an insignificant stranger, who is come (within the pale of Judaism) merely with his staff and his bag. He went before Shamai and said: "Am I qualified to become a high priest? Is it not written [Numb. iii. 10]: 'A stranger that comes nigh shall die'?" He then appeared before

Hillel and said: "For thy equanimity of temper, O Hillel! may blessings be upon thy head, for thou hast gathered me in under the wings of the Shekhina." The three converts met some time later, and said: "The impulsiveness of Shamai came near sending us adrift in the world (outside of the pale of religion); Hillel's equanimity of temper gathered us in under the wings of the Shekhina."

Resh Lakish said: What does the verse, "The trust of thy times shall be the strength of salvation, wisdom, and knowledge," etc. [Isa. xxxiii. 6]—what does this mean? (I think that this can be a biblical support to the six divisions of the Mishna which we possess.*) "The trust" comes within the section of "Zeraim" (seeds); "thy times" in "Moed" (festivals); "strength" in "Nashim" (women); "salvation" in "Nezikin" (jurisprudence); "wisdom" in "Qodoshim" (holiness), and "knowledge" in section "Taharith" (purity). And yet "the fear of the Lord is his treasure" (*i.e.*, all these do not avail where there is not the fear of the Lord).†

Rabha said: When a man comes before the (divine) judgment, he is asked: "Hast thou traded in good faith? Hast thou apportioned regular times for study? Hast thou produced children? Didst thou hope for salvation? Hast thou discussed subjects of wisdom? Hast thou formed (logical) conclusions from the things thou hast learned?" After all this (if he can affirm all these questions), if he possessed the fear of the Lord, it was well; if not, it was not so. This is like a man who ordered his agent to store a measure of wheat in the attic. The agent did so. Then the man asked him whether he had mixed some dry dust with the wheat (for protection against weevils), and he answered nay. "It were better," said the merchant, "if thou hadst not stored it."

Rabba b. R. Huna said: "A man who possesses learning,

* The six departments enumerated here are those of the Mishna, into which the rabbis have divided all the subjects touched upon in the Bible.

† "Trust" comes within the department of "Seeds" because the tithe due the priests and Levites by the farmers was not fixed legally as to quantity, but was trusted to the honesty of the donor. "Thy times" comes within "Festivals" for self-evident reasons. "Strength" comes within "Women," for the reason that the Hebrew word, "chosen," also means inheritance, and heirs are naturally produced by women (this is the opinion of Rashi). "Salvation" in "Jurisprudence": all laws pertaining to the saving of life and property. "Wisdom" in "Holiness": the holy sacrifices requiring the exercise of much wisdom. "Knowledge" in "Purity": the determining of pure and defiled things necessarily demanded thorough knowledge of the subject.

but has no fear of Heaven, is like the manager (of a palace) who has the keys to the inside apartments, but lacks the one which opens the outside gate. How can he enter?"

R. Janai proclaimed: "Alas for him who has no dwelling, yet strives to make the door of a dwelling!" R. Jehudah said: The Holy One, blessed be He, created the world only for the purpose that man should fear Him, for it is written: "God hath so made it, that (men) should fear him" [Eccl. iii. 14].

R. Simon and R. Elazar were sitting together as R. Jacob b. Aha came passing by. Said one of them: "Come, let us arise before him, for he is a man that fears sins." Said the other: "Aye; let us arise before him, for he is a son of enlightenment (a scholar)." Said the former: I tell thee that he is a man that is afraid of sins, and thou sayest he is a scholar. Thou shouldst be mindful of what R. Elazar said: The Holy One, blessed be He, has nothing better in the world than (men who possess) the fear of Heaven, for thus it is written: "And now, Israel, what doth the Lord thy God require of thee, but to fear the Lord thy God" [Deut. x. 12].

R. Ulla lectured: What does the passage mean, "Be not wicked over much" [Eccl. vii. 17]. Is it allowed to be wicked at all? Nay, but the passage means this: If one has eaten garlic and has acquired a bad odor, he must not eat more garlic because the bad odor is (about him) already. Rabba b. R. Ulla lectured: It is written: "For there are no fetters in them, but their strength is firm" [Psalms, lxxiii. 4]. The Holy One, blessed be He, said: "It is not enough that the wicked do not trouble for nor fear the day of their death, but that their heart within them is as strong as a strong fortress." Which is similar to Rabba's explanation of the passage: "This is their way; their folly" [ibid. xlix. 14]. The wicked know that their manner (of living) leads them to death, and still their kidneys wax fat (implying their blindness to the fact). Perhaps thou wilt attribute this to their forgetfulness? Therefore it is written: "What will happen after their lives is the subject of their sayings," whence we conclude that while they do not repent, they continually speak of their death.

"*To spare the lamp*," etc. With whom does R. Jose agree? If he agrees with R. Jehudah, he should declare culpable even these; and if he agrees with R. Simeon, he should declare free even (the man who extinguishes the lamp) for the purpose of saving the wick. Said Ulla: By all means R. Jose agrees with

R. Jehudah, but he holds that if one destroys in order to rebuild in the same place, he is guilty (of the act) of breaking; but if one destroys, not intending to rebuild in the same place, he is not (guilty of) breaking. R. Johanan, however, maintains that he holds as R. Simeon; but in the case of this wick it is different, as R. Hamnunah or R. Ada b. A'haba interpreted our Mishna that it reads " from a wick which needs singeing," and it is such a case. R. Simeon also agrees that it is prohibited because it is considered that he repairs a vessel. Said Rabha: It seems that this explanation is right, as the Mishna states " *to be* formed," and not a cinder *is* formed (already).

MISHNA *VII.*: For three sins women die of childbirth: for negligence (of the laws) during their menstruation, neglect of separating the first dough, and for neglecting to light the (Sabbath) lamp.

GEMARA: Why so? Thus a Galilean master lectured before R. Hisda: The Holy One, blessed be He, says: I have created you with power of blood; I have warned you concerning blood; I have called you " the first produce " [Jer. ii. 3], and charged you to sacrifice the " first of your dough " [Numb. xvi. 21]; the soul that I gave you is called a light, and I have charged you concerning the (Sabbath) light. If you observe these things, it is well; if not, I shall take your souls. But why should this happen at the time of childbirth? Said Rabha: When the ox falls or is felled, it is time to sharpen the knife.*

And when are the sins of men passed upon? Said Resh Lakish: When they pass a dangerous place that is like a bridge (which is unsafe). Rabh would not embark on a ship that carried an idolater. Said he: " His time to be punished may come, and I (being on the same vessel) may have to suffer with him." Samuel, however, would go to sea only on a vessel which carried idolaters, saying: " Satan hardly ever metes out punishment to two people " (of different beliefs). R. Janai always examined a vessel before he embarked. This he did in conformity with his own theory elsewhere, for thus he taught: " A man should never place himself in danger, expecting that a miracle will be wrought for him; for it may be that no such miracle will be wrought, and if a miracle is wrought for him, it will be deducted from the reward due his merits in the

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* When the ox is felled the knife should be ready, lest he rise again and cause more trouble; thus it is stated that women die at time of childbirth because, while they are in danger, the punishment for transgressions is also inflicted!

world to come." And R. Hanin said: "Where is this to be found in the Scripture?" From the verse: "I am not worthy of all thy kindness and of all thy truth" [Gen. xxxii. 11]. R. Zera would never walk under date trees in stormy weather. R. Itz'hak b. R. Jehudah said: A man must always pray that he should not become sick, for if sickness befall him, he must be possessed of special virtues in order to get well again. And to the question of Mar Uqba: Is this to be found in the Scripture? he was told that the school of R. Ishmael maintains the passage in question is to be taken from Deut. xxii. 8—viz.: "Peradventure one may fall down from there." The word "Hanofel," which is in the past tense and implies that he has fallen down, although such a case had not happened as yet, is simply a matter of conjecture on the part of this school, which considered a predestined thing as a matter that had already occurred, because the fall was already predestined for the guilty person; as it is said: The reward of virtue is, however, brought about by a meritorious person, while the chastisement for sin is dealt out through a sinner (and his not making a railing around his roof constitutes him a guilty person). [See Deut. xxii. 8.]

The rabbis taught: He who becomes sick, death approaching, should be told to confess his sins, for all those who are to suffer the death penalty must make a confession. When a man goes out to a market (where there are always dangerous people in the crowd), he should consider himself like one arrested by a sergeant. When his head aches, he should consider himself as one put in prison. If he cannot rise from his bed, he should consider himself as one indicted before Gardom (a criminal court); if he has good advocates to defend him, he may go free; if not, he cannot be saved. The defending attorneys of a man (before divine justice) are penitence and good deeds. If there should be nine hundred and ninety-nine accusers against him and only one to plead in his favor, he is saved, as it is written: "If there be a messenger with him, an interpreter, one among a thousand to show unto man his uprightness, then He is gracious unto him," etc. [Job xxxiii. 23]. R. Eliezer b. R. Jose the Galilean said: Even if only one thousandth part of one advocate out of a thousand plead in the man's favor, although the rest speak against him, he is saved; because it is said "one" defender out of a thousand suffices.

There is a Boraitha: R. Simeon b. Gamaliel said: "The laws of holy offerings, heave-offerings, and tithes are integral

parts of the Torah, and yet their observance was intrusted to the common people."

There is another Boraitha: R. Nathan says: For the sin of vows one's wife dies, as it is written [Proverbs, xxii. 27]: ". . . why should he take away thy bed from under thee?" *

Another Boraitha states: R. Nehemiah said: The penalty for the sin of hating without cause is strife at home, the wife (of the sinner) gives birth before her time, his sons and daughters die young.

R. Elazar b. Jehudah says: The penalty for the sin of neglecting the first dough is: no blessing in the harvest, high prices (for necessities), the consumption of the seed by strangers; but if this portion is given, blessings will surely follow, as it is written: "The first of your dough shall you give to the priest, to cause a blessing to rest on thy house" [Ez. xliv. 30]. The penalty for the sin of neglecting heave-offerings and tithes is: the sky withholds rain and dew; dearth comes on, there are no profits, and men run about to earn a livelihood, but they do not succeed. But if these offerings are given, blessings will come, as it is written: "Bring ye all the tithes into the storehouse, etc., and prove me but herewith, saith the Lord of Hosts, if I will not open for you the windows of heaven, and pour out for you a blessing until there be more than enough" [Mal. iii. 10]. The penalty for the sin of robbery is: locust pestilence, famine comes, and the people feed on the flesh of their children, as it is written [Amos, iv. 1–7, q. v.] For the sins of curbing, perverting, and polluting justice, and of neglecting the law, the sword comes on, (enemies take) much spoil, the people eat and are never satisfied, and they must weigh the bread they eat (*i.e.*, eat in small portions, for fear that nothing be left for the next meal), as it is written [Leviticus, xxvi. 25]: "Avenging the quarrel of my covenant," and covenant is synonymous with the Law, as it is written [Jeremiah, xxxiii. 25]: "Thus hath said the Lord," etc. For the sins of unnecessary and false swearing, perjury, blasphemy, and desecration of the Sabbath, many wild beasts come and domestic cattle are destroyed, the population decreases, and the roads are bare (without travellers), as it is written [Lev. xxvi. 18 to the end of the parargaph].

* The text continues with the punishment of death for different sins, which are repeated in other tracts, but we have omitted them here, as they will be translated in the proper place.

For the sin of bloodshed the sanctuary is laid waste and Shekhina departs from Israel, as it is written [Numbers, xxxv. 34]: "And ye shall not render unclean the land which ye inhabit, in the midst of which I dwell; for I, the Lord, dwell in the midst of the children of Israel"; which signifies that if ye render it unclean, the Shekhina will depart from the land. For the sins of adultery, idolatry, and disregard of (the laws of) the Sabbatic and Jubilee years exile comes, and (other nations) take up the place (of the exiles), as it is written [Lev. xviii. and xxvii.]. For the sin of defiling the mouth (speaking indecent things), great oppressions and evil decrees are (constantly) renewed, young men die, orphans and widows cry (for help), but are not answered, as it is written [Isaiah, ix., end of verse 16]: "For all this his anger is not turned away and his hand still remaineth stretched out," which is explained by R. Hanan b. Ahba as follows: "All know for what purpose a bride marries; still, he who defiles his mouth (by speaking of its details), even if a happy life of seventy years is decreed for him, the decree is turned aside." Rabba b. Shila in the name of R. Hisda says: Gehenna is made deep for him who defiles his mouth, as it is written [Proverbs, xxii. 14]. R. Na'hman b. Isaac says: It is made deep even for the one who listens to (indecent talk) and does not protest against it [ibid. 15]. R. Oshia says: He who abuses himself (by masturbation) becomes afflicted with wounds and boils; not only this, but he is punished with dropsy.* R. Na'hman b. Itz'hak says dropsy is an evidence of sin. Samuel the Little took sick with it, and he said: "Lord of the Universe! Who will prove (that I am not guilty of immoral conduct)?" Hereupon he got well again. Abayi took sick with it. Said Rabha: "I know that the Nahmanite (son of Na'hman) starves himself."

The rabbis taught: There are four evidences: an evidence of sin is dropsy; an evidence of hate without cause is jaundice; an evidence of pride is poverty; an evidence of calumny (spreading evil reports about others) is croup. The sickness of croup becomes epidemic for (the sin of neglecting to give) tithes; but R. Elazar b. Jose said, only for the sin of calumny.

R. Jehudah, R. Jose, and R. Simeon were sitting together, and Jehudah, the son of proselytes, sat before them. R. Jehudah opened the conversation, saying: "How beautiful are the

* The text refers also to verses in the Scripture, but as there is no direct proof, we have omitted them.

works of this nation (the Romans). They have established markets, they have built bridges, they have opened bathing-houses." R. Jose said nothing, but R. Simeon b. Johai said: "All these things they have instituted for their own sake. Their markets are gathering-places for harlots; they have built baths for the purpose of indulging themselves in their comforts; they have built bridges to collect tolls from those who cross them." Jehudah, the son of proselytes, went and reported this conversation, and it came to the ears of the government. Said (the rulers): "Jehudah, who has praised (our doings), shall be promoted; Jose, who said nothing, shall be exiled to Sophoris; Simeon, who spoke disparagingly, shall be put to death." R. Simeon and his son then went and hid themselves in the college, and their wives brought them every day some bread and a pitcher of water, and they ate. When the decree became imperative, he said to his son: "Women are of a pliant disposition. They (the government agents) will perhaps trouble them, and they (the women) will reveal our whereabouts." They then went and hid themselves in a cave. A miracle occurred, that a date tree and a spring of water came out for them. They stripped themselves naked and sat down covered with sand up to their necks. Thus they sat all day studying; only at the time of prayer they put on their garments, and after performing their devotion they took them off again for fear they might wear them out. In this wise they spent twelve years in their cave. Elijah then came to the opening of the cave and said: "Who will inform the son of Johai that the Cæsar (governor) is dead and his decree is annulled?" Hereupon they left the cave. They then went forth and saw men who were ploughing and sowing grain. Said R. Simeon: "These people leave the works which lead to everlasting life and occupy themselves with worldly things." After this every place where they chanced to turn their eyes was burned. Suddenly a "Bath-kol" (heavenly voice) was heard, which said unto them: "Have ye come to destroy my world? Go, return to your cave." They returned and stayed in the cave another twelvemonth, saying the punishment of the wicked in Gehenna only lasts twelve months. At the end of that time came again the heavenly voice and said: "Go out of the cave," and they came out. And R. Simeon said to his son: "It is enough for this world that I and you are occupied with the study of the Torah and with good deeds." This happened on a Friday near

sunset. They saw a man hurrying with two bunches of myrtle in his hand. "What are they for?" they asked him. "To honor the Sabbath," was the reply. "Would not one bunch be enough?" "Nay; one is for the command 'remember,'* the other for the command 'observe,'" said the man. Said R. Simeon to his son: "Behold, how Israel loves the commands (of God)." This reassured them.

R. Simeon's father-in-law, R. Pinhas b. Yair, heard (that they were coming) and went to meet them. He took them to the bath-house. While R. Simeon was cleaning his (own) body, R. Pinhas noticed that it was full of blisters; tears ran from his eyes when he saw this, and (the tears falling upon the flesh of his son-in-law) caused R. Simeon pain. Said R. Pinhas: "Woe unto me, that I see thee in this state." R. Simeon rejoined: "Well unto thee, that thou seest me so, for if thou hadst not seen me in this state thou couldst not find in me (all the learning) that thou canst find in me now."

MISHNA *VIII.*: One must say three things in his house on Friday, when it is getting dark—viz.: "Have you set aside the tithes (from the fruit, which is to be eaten on the Sabbath)?" "Have you put up the Erubh?" and "Light ye the lamp." When one is in doubt whether darkness has set in, he must not separate tithes from (fruit of which he is) certain (that tithes had not been set aside), and he shall not put vessels under process of lavation,† and he shall not light a lamp any more. But he may set aside tithes from (fruit of which he is) not certain (that tithes have been set aside), and he may put up the Erubh and also put his victuals into the stove for the purpose of keeping them warm.

GEMARA: Whence is this deduced? Said R. Joshua b. Levi: from [Job, v. 24] "Thou shalt know that peace is in thy tent, and shalt examine thy dwelling, that thou mayest not sin." Rabba b. R. Huna said: Although the masters have taught that "one must say three things," etc., yet he ought to say them quietly, in order that (his family) should accept them from him (in good grace). Said R. Ashi: "I have not heard of this

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* In the Decalogue of Exodus the fourth commandment begins with the word "Zakhor" (remember); in Deuteronomy it begins with the word "Shamor" (observe).

† All new vessels must undergo a process of lavation before they can be used [Num. xxxi. 23].

saying of Rabba b. R. Huna before, yet I have always done so as a matter of common sense."

Does not the text contradict itself? It states: "One must say three things, etc., when it is getting dark." This implies that if he is in doubt whether it is getting dark or whether darkness has already set in, he cannot say it any longer. In the latter part, however, it says "if he is in doubt, etc., he may put up an Erubh."

Said R. Aba in the name of R. Hyya b. Ashi, quoting Rabh: "It presents no difficulty. In the first part it speaks of an Erubh of Techum (that marks the boundary of two thousand ells around the city, where it is allowed for one to walk on Sabbath); in the latter part it speaks of an Erubh by which the neighbors of adjoining courts make common cause."

Rabba said: The rabbis have prohibited putting victuals among things (that preserve but) that do not increase the heat after dark, for fear lest one find them too cold and be tempted to make them boil. Said Abayi to him: "If such is the case, why did they not enact the same prohibition for (the time) when it is twilight also?" Answered Rabba: "At that time the pots are generally boiling hot."

Rabba said again: "Why was it said that one must not put victuals among things that increase the heat, when it is yet day, for fear lest one put them in cinders where there are yet live coals?" Said Abayi to him: "What harm is there? let him do so." And he answered: "It may be feared lest he be tempted to stir the burning coals." The rabbis taught: "Which is the time of twilight?" When the sun sets and the eastern sky is red; when the lower (edge of a cloud) is dark, while the upper part is not yet dark; but when the upper edge (of such a cloud) is as dark as the lower, night has set in. So says R. Jehudah. R. Nehemiah says: (The duration of twilight) is the time one takes to walk half a mile from the moment the sun sets. R. Jose says: Twilight is like the twinkling of an eye; the one (day) goes out, the other (night) comes in, and it is impossible to determine it. And each of them is in accordance with his theory elsewhere; as it was taught: What is the duration of twlight? Rabba in the name of R. Jehudah, quoting Samuel, said: (The time it takes to walk) three-quarters of a mile; and R. Joseph said in the name of the same authority: Two-thirds of a mile. The difference between them is half a danka. (The contrary is the case when a bee-hive is con-

cerned; in that case Rabba said: A bee-hive of two kurs * one may move on the Sabbath; of three, one shall not. R. Joseph, however, said that one may move even a hive of three kurs, but one of four is forbidden. Said Abayi: I have inquired of the master at the time of the deed, and he did not even permit me to move one of two kurs.)

Rabha saw that Abayi was (one Friday) looking toward the east (to calculate the duration of twilight). Said he to him: "Dost thou think the masters spoke of the sky in the *east?* They spoke of an object in the east that reflects the red sky (of the west), like a window (placed eastward of the setting sun).

"It takes one to walk half a mile." Said R. Hanina: "If one wishes to know the time according to R. Nehemiah's calculation, he should leave the sun (see it set) on the top of Karmel (a certain mountain peak on the sea-coast), go down, dive into the sea, and go up (the mountain) again; this will give him the exact time." R. Jehudah, however, in the name of Samuel said: (To know the exact time of twilight may be fixed thus:) "If only one star (can be seen in the sky), it is yet day; if two stars, it is twilight; three stars, it is night." And so also we have learned plainly in a Boraitha with the addition: Said R. Jose: The stars mentioned do not mean the big stars, that can be seen in daytime, and not the small stars, which cannot easily be seen at night, but stars of medium size.

R. Jose b. R. Zebhida said: If one (unintentionally) performs work on both times of twilight (Friday and Sabbath), he must certainly bring a sin-offering (because at one of both times it was certainly Sabbath).

Rabba said to his servant: "You, who are not an expert in the scholarly calculation of time, must light the Sabbath lamp when you see the (last rays of the) sun on top of the trees. In cloudy weather how shall it be? (The lamp must be lit) in the city when the hens go to roost; in the field, when the ravens fly to roost or when the mallow shrub † (inclines its head to the west).

The rabbis taught: Six times was the signal blown on Friday: the first time to stop work in the field, the second to

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* Kur was an ancient measure and cannot be determined at the present time; it may have been about three gallons. See Schoenhak's "Hamashbir." A danka is a twelfth or a half of a sixth part.

† The mallow (*Adana* or *Harna*, see Arukh), more than any other plant, was believed to incline its head toward the sun, like our own sunflower.

stop it in the city and in the stores, the third time to light the lamps. So said R. Nathan. R. Jehudah the Prince says that the third time is sounded to take off the phylacteries. Then (the beadle) waits about as long as is required to bake a small fish, or for bread to cleave to the oven, and he sounds again the three tones * of the signal in succession for the Sabbath (that is already come). R. Simeon b. Gamaliel said: "What shall we do with the Babylonians? They sound the signal first, and then blow the trumpet; from the moment the trumpet is sounded they cease work." They do so because it is with them a matter of inherited custom.

R. Jehudah taught his son, R. Itz'hak: "The third (sounding was a signal) to light the lamp." This agrees with the ruling of R. Nathan.

At the school of R. Ishmael it was taught: Six times the signal is sounded on Friday. When the first sounding begins, those who are in the field stop ploughing and harrowing and all field work. At the entrance to the city those who are near must wait until the distant (farmers) come, so that they enter the city all together. The stores are yet open, and the stalls (upon which wares are laid out) are as yet in their places. As soon as the second sounding begins, the stalls are cleared and the stores closed. The warm victuals (prepared for the Sabbath) and the pots are as yet upon the hearth. As soon as the third sounding begins the pots are taken off the hearth, the warm victuals are put in the stove, and the lamps are lighted. Then (the beadle) waits about as long as it is required to bake a small fish or for bread to cleave to the oven, and he sounds trumpets and sounds the signal again and rests. Said R. Jose b. R. Haninah: "I have heard that if one wants to light up after the six signals he may do so, for the rabbis have allowed some time to the beadle to take his Shophar (horn) to the house (after the six signals). Said the schoolmen to him: "If such were the case, the subject would depend on various measurements of time." Nay, but the beadle has a concealed place upon the roof (where he sounds the Shophar) and puts away his instrument (as soon as he has used it); because neither a Shophar nor a fife may be handled (when the Sabbath is come).

But have we not learned that a Shophar may be handled,

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* The three tones of the Shophar are technically designated a "Tekyah" (a long simple note): "Teruah" (a slow trill), and "Tekyah" again. See note to Rosh Hashana, p. 63, first edition.

but a fife may not? Says R. Joseph: This is not contradictory. Our case is that of a Shophar belonging to the community; the case adduced treated of one that belongs to a private party (therefore it is permissible).

Said Abayi: "Why may a Shophar that is private property be handled? Because it is sometimes used for taking up water, to give a child drink; let one that is public property also be allowed to handle, because it may be used in the same manner." Furthermore, was it not taught: "As a Shophar may be handled, so also may the fife be handled?" According to whose ruling is this? There is no contradiction in all this. The one (that a Shophar may be handled, but not a fife) is according to the ruling of R. Jehudah. The other (that both may be handled) is according to the ruling of R. Simeon. The third (that neither should be handled) is according to the ruling of R. Nehemiah. "And what is a Shophar?" The same as a fife, as R. Hisda says: "Since the sanctuary was destroyed the names have become changed; a Shophar is called a fife, and a fife is called a Shophar."

CHAPTER III.

REGULATIONS CONCERNING STOVES, HEARTHS, AND OVENS.

MISHNA *I.*: Cooked victuals may be put on a stove that was heated with straw or stubble. If the stove was heated with the pulp of poppy seed (*i.e.*, poppy seed from which the oil was pressed out) or with wood, (cooked victuals) may not be put upon it, unless the (live) coals were taken out or covered with ashes. Beth Shamai says: (The latter instance) is permissible only in the case of victuals that are to be kept warm, but not of such as are improved by continued cooking. Beth Hillel says: Both alike are permitted. Beth Shamai says: (Victuals) may be taken off the stove, but not put back upon it; Beth Hillel permits it.

GEMARA: The schoolmen propounded a question: "As for the expression 'shall not be put,' does it (referring to a pot that has been taken off the stove) mean 'one shall not put it back,' but if it has not been taken off, it may be left there, even if the live coals were not cleared away or covered with ashes? Or does it mean that the pot should not be left there (even if it was standing there before) unless the live coals have been cleared out or damped, so much the more should it not be put there if it was once taken off?" Come and hear. There being two parts in our Mishna, if the point of controversy is the leaving (of the victuals on the stove, if they were there before), the Mishna is to be explained thus: On the stove that was heated with straw or with stubble the victuals may be left; on a stove that was heated with pressed poppy seed or with wood, the victuals may be left only if the live coals were taken out or covered with ashes. What kind of victuals may be left there? According to Beth Shamai such as are to be kept warm, but not such as improve by cooking. And according to Beth Hillel both. Thus the point of controversy is the leaving of the victuals (that had been on the stove before). And as the (two schools) differ in this matter, so do they also differ in their opinions concerning putting them back upon the stove if they were once taken off. But if you interpret the Mishna to make the

returning of the victuals to the stove the point of their differing —viz., what kind of victuals should be returned (to the stove), according to the former such as are to be kept warm, but not such as improve by cooking, and according to the latter, both. (If you put such a construction upon the text of the Mishna,) to what purpose is it repeated ? " Beth Shamai says," etc. It may be said even that they differ concerning putting back, and nevertheless there is no difficulty, as the Mishna is not complete, and should read thus: " If the stove was heated . . . but if they stood there before, they may be left there, even if the live coals are not taken out or covered with ashes." And what may be left ? Beth Shamai says only such as are to be kept warm, and Beth Hillel says even victuals requiring cooking; but even in the case of returning (the victuals to the stove, if they have been removed) there is still a difference of opinion between the two schools, for according to the former they may be only taken off, and according to the latter they may be returned also.

Come* and hear. R. Helbo in the name of R. Hama b. Gorion, quoting Rabh, said: " The Mishna speaks only about putting the victuals upon the stove, but as to putting them into the stove it is surely prohibited." Now, if thou sayest the dispute is about returning (the pot to the stove), this remark is correct, for there is a difference to what place it is returned, whether into the stove or upon it; but if the question were about keeping it on the stove while it is there, what difference would it make ?

Do you think R. Helbo's report refers to the first part of the Mishna ? It refers to the second part, in which Beth Hillel allows it to be returned; and to this he says, even in this case, upon the stove it is permissible, but not into the stove.

The schoolmen propounded a question: " May (a pot with victuals) be placed so as to touch the side of the stove ? Does the prohibition which holds good for putting it into or upon the stove apply also here, or is touching its side a different case ?" Come and hear. " A stove that was heated with pressed poppy seed or wood may (be used) to put a pot alongside of, but not on, unless the live coals were taken out or covered with ashes." If the coals get dim or fine hurds were put upon them, they are considered as if their fire was damped with ashes. R. Itz'hak

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* Here the disciple who advanced the later construction of the Mishna turns the tables on his interlocutor and brings forward an argument in favor of his suggestion, introducing it with the same words as the previous speaker in his argument.

b. Na'hmani in the name of R. Oshia says: If the fire was damped and still it got a-glowing, victuals that are sufficiently warm, and cooked meats that require no more cooking, may be left standing upon it.

Is it to be inferred from this that, if victuals are improved by shrivelling (upon the fire), they may be left there? This is a different case, for the fire was damped. If such is the case, what came R. Itz'hak to teach? "Lest one say that if the fire got to glowing again, it is to be considered as a fire originally started?" R. Itz'hak lets us know that, when once a fire has been damped, we need have no further scruples about letting the victuals remain on it.

R. Shesheth said in the name of R. Johanan: Victuals that require additional warming or additional cooking may be left upon a stove that was heated with pressed poppy seed or with wood; but if they were once removed, they shall not be replaced unless the live coals were taken out or covered with ashes. He was of the opinion that our Mishna (treats) of replacing (a removed pot), but allows (a pot that was not removed) to be left on the stove, even if the live coals are not taken out or covered with ashes. Said Rabha: "Were not both (propositions) expounded in the Boraithoth (that were cited)?" Aye, but R. Shesheth merely wishes to exhibit his construction of the text of the Mishna.

R. Samuel b. Jehudah in the name of R. Johanan said: Upon a stove that was heated with pressed poppy seed or wood, victuals may be left standing, if they are sufficiently warmed and sufficiently cooked, even if shrivelling improves them. Said one of the schoolmen to him: "Did not Rabh and Samuel both say that if shrivelling improves them, it is not allowed? And he answered: "I said this in the name of R. Johanan and not in the name of the above mentioned, as I am aware of it." R. Uqba of Mishan said to R. Ashi: "You, who cherish the teachings of Rabh and Samuel, may follow their regulation, but we will follow the regulation of R. Johanan."

Abayi questioned R. Joseph: May victuals be left (on the stove)? And he answered: Did not R. Jehudah leave (victuals on the stove), and eat them afterward? Rejoined Abayi: The case of R. Jehudah cannot be taken into consideration. He was stricken with a dangerous disease, and for him even (the cooking of victuals) on the Sabbath was permitted; but I ask about (healthy men like) you and me. R. Joseph answered: "In

Sura they do leave. As R. Na'hman b. Itz'hak, who was exemplary in following religious ordinances, was wont to leave and to eat."

R. Ashi said: "I was standing before R. Huna and observed that fried fish was kept (warm) for him and he ate it; but I know not whether (he did it) because he thought that victuals which improve by shrivelling are allowed, or whether he thought that, because there was flour on his fish, continuous warming did not improve it.

R. Na'hman said: (Victuals) that improve by shrivelling must not (be left on the stove); such as deteriorate may. The rule is that all victuals which contain flour deteriorate by continuous warming.

R. Hyya b. Ahba was questioned: "If one forgot his pot and left it upon the stove, and the victuals were thus cooked on the Sabbath, may he eat them or not?" The master gave no answer. The next time he lectured: Victuals cooked on the Sabbath unintentionally may be eaten; intentionally not, but (as regards the pot that is forgotten on the stove) it makes no difference.

What does (the phrase) "it makes no difference" mean? Rabba and R. Joseph both say that the phrase implies that it may be eaten, for one who cooks acts intentionally; but when forgotten there was no act, and therefore he may eat it. But R. Na'hman b. Isaac says the above phrase of "it makes no difference" implies a prohibition. In the case of cooking there is no fear of craft; therefore if he has done it unintentionally, he is not fined; but in the case of forgetting (the pot in the fire) craft may be feared (it means that he may put it in intentionally saying that he forgot), and therefore even if he actually forgets he is not allowed to eat the victuals.

The schoolmen propounded a question: "What about one who had intentionally left (his victuals upon the stove)? Do the rabbis fine him or not?" Come and hear. Samuel b. Nathan in the name of R. Hanina said: "When R. Jose went to Ziporis, he found warm meats that had been left upon the stove, and he did not prohibit their use, but shrivelled eggs that had been left upon the stove he prohibited. Shall we not assume that he forbade their use even on that Sabbath as a fine? Nay, he forbade their use for the following Sabbath."

From this is to be inferred that shrivelled eggs improve by continuous heating. As R. Hama b. Hanina said: "Rabbi and

I were once stopping at a certain place. We were treated with eggs shrivelled like wild pears, and we ate many of them."

"*It may also be put back.*" R. Shesheth said: The Tana who holds that the pot may also be put back (upon the stove) allows this (to be done) even on the Sabbath. R. Oshia is also of the same opinion, for thus he said: "We were once standing before R. Hyya the Great; we served him with a bowl of warm (soup), which was brought from the lower floor (of the house), and we mixed a cup of wine for him, and (afterward) we returned it (the bowl) to its place, and he said nothing." And R. Hyya in the name of R. Johanan said: Even if (the warm pot taken off from the stove) was put upon the ground, it may (still be put back on the stove). Said Hyskiyah in the name of Abayi: "According to them who hold that if he puts it on the floor it may not be returned, it is said only when it was not his intention to return it. But if it was, he may. And from this it is to be inferred that if it was still in his hand, although his intention was not to place it again, he may do so on reconsideration."

MISHNA *II.*: (Victuals) shall not be put either inside or on top of an oven that was heated with straw or with stubble; a firing-pot that was heated with straw or with stubble is (considered by the law) as a stone, but if it was heated with pressed poppy seed or with wood it is considered as an oven.

GEMARA: A Boraitha teaches: If an oven was heated with straw or with stubble, (a pot with victuals) shall not be put close to it (so that it touch the oven), the less so upon it, and still less so into it; so much the less shall (a pot) be put (alongside of an oven) that was heated with poppy-seed pulp or with wood. If a firing-pot was heated with straw or with stubble, (a pot) may be put close to it, but not upon it; with poppy-seed pulp or with wood it must not be put close to it. Said R. Aha b. Rabha to R. Ashi: "How shall the firing-pot be considered? If it is like a stove, even if heated with poppy-seed pulp or with wood (a pot shall be allowed to be put close to it); and if it is like an oven it should not, even if it is heated with stubble or straw?" Answered he: It contains more heat than a stove and less heat than an oven.

What is a firing-pot and what is a stove? Said R. Jose b. Hanina: "A firing-pot has an opening on the top upon which only one pot can be set; a stove has openings upon which two pots can be set at a time."

MISHNA *III.*: An egg shall not be put close to a boiler to

get it settled, nor must it be wrapped in a hot cloth. R. Jose permits it; also it must not be put into hot sand or in the (hot) dust of the road that it be roasted (by the heat of the sun). It once happened that the inhabitants of Tiberias had laid a pipe of cold water through the arm of their hot springs. But the sages explained to them that on the Sabbath this water is considered like any other warmed on the Sabbath, and must not be used either for washing or drinking; and should this be done on a feast day, it is like water heated by fire, which may be used for drinking only, but not for washing.

GEMARA: The schoolmen questioned: How is it if one has done so with an egg? Said R. Joseph: He is liable for a sin-offering. Said Mar b. Rabhina: This is to be understood also from the following Boraitha: Everything that was in hot water before the Sabbath may be soaked in hot water on the Sabbath; things that were not in hot water before the Sabbath may only be rinsed in it, excepting old herrings and Spanish (salted) fish, because with these, rinsing completes their preparation. (The same is the case with an egg; the settling completes.)

"*Nor shall it be wrapped*," etc. Now, the Mishna which states: "Cooked victuals may be put into a pit for preservation; drinking water into cold bad water to cool; cold victuals in the sun to warm." Shall we assume that it is in accordance with R. Jose and not with the sages? Said R. Na'hman: As to the heat of the sun, all agree that it is allowed; the outcome of heating by fire, all agree that it is prohibited. The point of their differing is the outcome of sun-heating. The one master holds that the use of such heat is prohibited for fear lest one use also the heat that is generated by fire; the other master does not impose such a precautionary measure.

"*It happened that the inhabitants of Tiberias*," etc. R. Hisda said: With the prohibition by the rabbis of the act of the Tiberians they have also abolished the permission to heat on Friday, even when it is yet day, in such places as increase heat. Said Ulla: "The Halakha prevails according to the Tiberians." Rejoined R. Na'hman: "The Tiberians themselves have already destroyed their pipes." "Washing with warm water," how is this to be understood? The whole body? Is this prohibited only with water that was warmed on Sabbath? Is it not the same even when it was warmed on the eve of Sabbath? As the following Boraitha states: "With water which was warmed on the

eve of Sabbath, on the morrow one may wash his face, hands, and feet, but not the whole body. And if it means the face, etc., how is the latter part to be understood ?" "If it was warmed on a feast day," etc.

Shall we then assume that our Mishna states in accordance with Beth Shamai, as they so state plainly elsewhere, to which the Beth Hillel opposed and permitted ? Said R. Iyqa b. Hanina: Our Mishna treats of washing the entire body, and it is in accordance with the Tana of the following Boraitha: "One shall not rinse his entire body (on the Sabbath) either with warm or with cold water." So is the decree of R. Mair, but R. Simeon permits this. R. Hisda says their dispute concerns only (water that is) in the ground; but water contained in a vessel is strictly prohibited.

Rabba b. b. Hana in the name of R. Johanan said: "The Halakha prevails according to R. Jehudah." Said R. Joseph to him: "Didst thou hear this explicitly, or dost thou derive it by inference (from a similar teaching) ?" "I have heard it explicitly," he answered.

It was taught: If water was warmed on Friday, Rabh said one may wash his entire body in it on the next day, every member separately (*i.e.*, not plunge into it at once). Samuel, however, said: It was not allowed but of the face, hands, and feet. And the following Boraitha supports Samuel: "If water was warmed on Friday, one may wash his face, hands, and feet with it on the following day, but not his entire body, even member by member; and so much less with water warmed on a feast day."

Said R. Joseph to Abayi: "Did Rabba not act according to the decisions of Rabh ?" "I know not," he answered.

The rabbis taught: A bath-house, the openings of which were stopped up on Friday (so that the heat should not escape), may be used for bathing immediately after the Sabbath is over. If its openings were stopped up on the eve of a feast day, one may, on the next day, enter it to have a sweat, but he must leave it and rinse his hands in an adjoining room. R. Jehudah said: It happened in a bath-house of the city of B'nai Beraq, that its openings were stopped up on the eve of a feast day. The next day R. Eliezer b. Azariah and R. Aqiba entered it and took a sweat; then they left it and rinsed their bodies in the adjoining room; but the warm water in it had been covered with boards. When the report of this reached the masters they

said, even if the warm water had not been covered with boards, they were also allowed (to do so). However, since transgressing began to increase, they began to prohibit. In bath-houses of large cities one may walk about without fear of people's saying that he went to take a sweat.

What does the expression "transgressing" mean? As R. Simeon b. Pazi in the name of R. Joshua b. Levi, quoting bar Qapara, said: In former times the people were accustomed to bathe (on the Sabbath) in water that was warmed on Friday. The bath-keepers then began to warm the water on the Sabbath, and to tell the people that it had been warmed on Friday. Hereupon they prohibited bathing in warm water, but still they placed no restriction upon taking a sweating (in the bath-room). The people then would come and bathe, but pretend to merely take a sweating. Then sweating was also prohibited, but washing in the hot spring water of Tiberias was still allowed. The people, however, would come and wash themselves in water that was warmed by the fire and say that they washed in the hot spring water. Subsequently warm water was prohibited for bathing altogether, but bathing in cold water was allowed. Seeing that people could not stand the last prohibition, it was therefore revoked, and bathing in the hot spring water of Tiberias was allowed. The prohibition of the sweating bath, however, remained. The rabbis taught: One may warm himself by a hearth-fire and afterwards rinse himself with cold water, but not bathe first in cold water and then warm himself by a hearth-fire, because he warms the water that is on him.

The rabbis taught: One may warm a sponging-cloth and put it upon his bowels (on the Sabbath), but he must not do so with a boiling hot vessel, for this is dangerous even on week days.

The rabbis taught: One may put a pitcher of water before a blazing fire, not to warm it, but to temper the coldness of the water. R. Judah said: A woman may put an oil flask before a blazing fire, not to boil it, but merely to temper it. R. Simeon b. Gamaliel says: A woman may unhesitatingly put oil on her hand, warm it before the fire, and anoint her little son with it without any fear.

Said R. Judah in the name of Samuel: Whether it be oil or water, if the hand is spontaneously withdrawn from it (feeling the scald) it is prohibited, but not otherwise. And what extent of heat is meant by it? Said Rabba: If the belly of a child is scalded by it.

R. Itz'hak b. Abhdimi said: "I once followed Rabbi into the bath-house (on the Sabbath). I wanted to put a bottle of oil for him into the tank (that contained hot spring water). Said he unto me: "Take out some warm water from the tank and put it into another vessel (to warm the oil in). From this we have inferred three things—viz.: First, that oil improves by warming, and it is a prohibited act; second, that if anything is put into a second vessel (not directly into the boiling vessel) it is not considered cooking; third, that the mere tempering of oil is analogous to cooking it.

Said Rabhina: From this story it may be inferred that if one cooks in the hot spring water of Tiberias on the Sabbath he is culpable, for the case happened after the rabbis had imposed the precautionary measure, and yet Rabbi would not allow him (R. Itz'hak) to put the oil directly into the tank. Is that so? Did not R. Hisda say that he who has cooked in the hot spring water of Tiberias is not culpable? The *culpability* to be inferred (from the case of Rabbi) extends only as far as blows of correction * are concerned.

R. Zera said: "I have seen R. Abuhu swimming in a tank, and I know not whether he raised (his feet from the ground) or not. Is it not self-evident that he did not raise them, as there is a Boraitha: One shall not swim about in a pond, even if (that pond) is stationed in a yard. This presents no difficulty. In a pond it is prohibited, because it is similar to a river, while in a tank it is allowed, because it is similar to a vessel.†

R. Zera once found R. Jehudah in the bath. He (R. Jehudah) ordered his servant (in the Hebrew Aramaic tongue): "Bring me the comb; hand me the soap; open your mouths, and exhale the warm air from within you; drink of the (warm) water of the bath." Said R. Zera: "If I had not come but to hear *this*, it were enough for me."

It is correct that he ordered things in the Hebrew language, as private affairs may be said in the same language. The same is with the second order, for Samuel said that heat (from without) drives out heat (from within). But what good is in the order, "Drink of the water of the bath"? It is also correct, as we have learned in the following Boraitha: "If one washed

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* "Blows of correction" were inflicted by the rabbis not for an actual sin, but for disobedience to the laws enacted.

† We have translated in accordance with Rashi's second view, as it seems to us to be correct.

himself with warm water and did not drink of it, he is like an oven that was heated from without but not from within."

MISHNA *IV.*: The hot water contained in a "Muliar" (caldron), the live coals of which have been cleared away before the Sabbath set in, may be used on the Sabbath; but the hot water contained in an "Antikhi" (another kind of kettle), even if cleared of live coals, is not to be used on the Sabbath.

GEMARA: What is a Muliar? A Boraitha states: "It is a vessel provided with an attachment for live coals, used for keeping water"; as for an Antikhi, Rabba says it is a Bekiri (a vessel similar to a Muliar, but of heavier construction and continually in use). R. Na'hman b. Itz'hak says: It is a Bedude (a large kettle with an attachment underneath for live coals). There is a Boraitha in support of the opinion of R. Na'hman: "The hot water in an Antikhi, even if the coals thereof are cleared away or damped, is not permitted to be used, for the heavy bottom keeps the heat."

MISHNA *V.*: Into a kettle, the hot water of which has been spilt out and which has been removed from the fire, cold water is not permitted to be poured, for the purpose of heating; but it is permitted to pour water into the kettle, or into a cup, for the purpose of making such water lukewarm.

GEMARA: How is this to be understood? Said Abayi: It means thus: "Into a kettle, the fire of which has been removed, which still contains hot water, a small quantity of cold water may not be poured, for the purpose of warming; but a large quantity, to make the hot water lukewarm is, however, permitted. Into a kettle, the hot water of which has been entirely removed, no cold water at all may be poured, because it tempers the vessel. And it is in accordance with R. Jehudah, who holds that an act which pleases one, if done even unintentionally, is prohibited.

Said Rabh: "Even the above-mentioned large quantity is allowed only to make the water lukewarm; but not such a quantity as will entirely neutralize the hot water and tend to temper the vessel." Samuel, however, permits any quantity.

Shall we assume that Samuel is in accordance with R. Simeon (who opposes the above theory of R. Jehudah), but did he not say that it is permitted to extinguish live dross on public ground (to prevent injury), but not charcoal? And if he agrees with R. Simeon, this also should be permitted? As regards labor tending to the accomplishment of a work (prohibited on the

Sabbath), he holds with R. Simeon; but as to the performance of labor, not for its own sake, he sides with R. Jehudah. Said Rabina: "Since it is permitted to perform labor (prohibited by rabbinical law), in order to prevent injury, it is also permitted to remove thorns from public ground, little by little, in distances of less than four ells at a time (in order to prevent injury); but upon unclaimed ground it may be done in greater distances."

"*But it is permitted,*" etc. The rabbis taught: One may pour hot water upon cold, but not cold upon hot water, so is the decree of Beth Shamai; Beth Hillel, however, allows both ways, provided a cup is used; but in a bathing-tub hot water upon cold is permitted, but cold water upon warm is not. But R. Simeon b. Menassiah forbids it. And Na'hman said that so the Halakha prevails. R. Joseph was about to say that a bucket is under the same ruling as a bathing-tub. Said Abayi to him: "So taught R. Hyya, that a bucket is not in this category."

Said R. Huna b. R. Joshua: "I observed that Rabha was not scrupulous with regard to the use of vessels, because R. Hyya taught, one may put a pitcher of water into a bucket of water; it makes no difference whether it be hot water into cold or *vice versa.*" Said R. Huna to R. Ashi: "Perhaps this was a different case altogether, it being that there was a vessel within a vessel!" But the latter retorted: "It says: 'To empty'; as it was taught: It is permitted to empty out a pitcher of water into a bucket of water, be it either warm water into cold or *vice versa.*"

MISHNA *VI.*: In a saucepan or a pot that was removed from the fire, no spices shall be put after dusk (on Friday); but spices may be put into a plate or a bowl. R. Jehudah is of the opinion that spices may be put in all vessels or cooking utensils except in such as contain vinegar or fish brine.

GEMARA: The schoolmen propounded the following question: Does R. Jehudah refer to the first part of the Mishna, which is lenient, or does he refer to the latter part, which is rigorous? Come and hear. We have learned in a Boraitha that R. Jehudah says: "One may put (spices) into all saucepans and cooking-pots, except such as contain vinegar and fish brine."

R. Joseph was about to say that salt comes under the same ruling as spices, because in his opinion salt becomes cooked in a

first vessel (*i.e.*, the vessel used for cooking), but not in a second vessel. Said Abayi to him: R. Hyya distinctly taught that salt does not come under the ruling applicable to spices, because it does *not* become cooked, even in a first vessel. This is corroborated by R. Na'hman, who said: There is a saying that the dissolving of salt requires thorough boiling, the same as beef.

MISHNA *VII.*: It is not permitted to place a vessel under a lamp so that the oil of the lamp drip into it. If a vessel was placed under a lamp before the Sabbath set in, it may remain there; but the use of such oil on the same Sabbath is not permitted, as it was not previously prepared.

GEMARA: Said R. Hisda: "Although it was said that the placing of a vessel under a hen (laying on sloping ground) to receive the egg is forbidden, yet to cover the egg so as to prevent it from being crushed is permitted."

Said Rabba: The reason of R. Hisda is because he holds that hens being in the habit of laying eggs on level ground, in order to prevent the egg from being stepped upon, it is permitted to cover it with a vessel; but as hens are not in the habit of laying eggs on *sloping* ground, the placing of a vessel under the hen to receive the egg was not allowed.

Abayi objected to this, stating: "Were we not taught in the Mishna that it is permitted to place a vessel under a lamp in order to take up the (dropping) sparks?" (This seldom occurs and therefore it is permitted.) He was told that the dropping of sparks by a lamp is also of frequent occurrence.

R. Joseph, commenting on the statement of R. Hisda, gave another reason—viz.: That the vessel (placed under a hen to receive an egg) is made useless for that same Sabbath.

Abayi raised the same objection, (intending to) prove by it that the vessel placed under a lamp is also made useless on that same Sabbath, and R. Huna b. R. Joshua answered: "Sparks have nothing substantial about them (therefore the vessel containing them is not made useless on the same Sabbath)."

R. Itz'hak said: In the same manner as it is not permitted to place a vessel under a laying hen, so is it also not permitted to cover the egg laid; for the reason that a vessel must not be handled on the Sabbath except for the use of such things as are themselves permitted to be handled on the Sabbath.

All the objections of Abayi being raised against R. Itz'hak's statements, he answered: "In that case there was a lack of space." (If the space occupied by a vessel is needed, that ves-

sel may be removed, and while being removed may be used for *any* purpose.)

Come and hear (another objection). An egg laid on the Sabbath or a festival, to prevent it from being (accidentally) cracked, may be covered with a vessel? Here the case is, also, when the space where the vessel is placed is needed.

Said R. Shesheth (to his disciples): Go ye and tell R. Itz'hak that the above doctrine has already been interpreted by R. Huna in Babylon as follows: It is permitted to make a partition on the Sabbath, to (isolate) a corpse for the sake of the living, but it is not permitted to make a partition for the sake of the corpse. How is the latter clause to be understood? R. Samuel b. Jehudah and also Shila Mari taught: In the case of a corpse lying in the sun (on the Sabbath), (to prevent the corpse from decomposing) two persons are brought to sit on the floor, each on one side (in order to bring about the making of a screen). When the ground underneath them becomes hot, each of them is to bring a cot bed to sit upon, and when the heat above them becomes excessive, they are to bring a sheet and spread it over their heads (leaving part of the sheet loose); both now raise their cots (which take up the loose part of the sheet) and move to their former positions; thus a screen (canopy) is formed of itself.

It was taught: "A corpse lying in the sun." R. Jehudah in the name of Samuel says: The same must be turned over from one bed into another, until it arrives at a shady place. R. Hinna b. Shalmi in the name of Rabh said: A loaf of bread or an infant should be put on the corpse and then the corpse may be moved. There is no difference of opinion as to the removal of a corpse (on the Sabbath), which is permitted when a loaf or an infant is put upon it; they differ only where there is none. One holds that indirect transportation must be considered transportation, and the other opines that indirect transportation is not transportation (and therefore permitted).

Shall we assume that on this point the following Tanaim differ? "It is not permitted to save a corpse from a fire." R. Jehudah b. Lakish, however, says: "I have heard that it may be done." How is the case if there was a loaf of bread or an infant? Why should the first Tana prohibit it? And if there was none, what is the reason of Lakish's decision? Do they not differ in the point of transportation stated above? Nay; all agree that such a transportation is considered; the

reason, however, of Ben Lakish is that usually one is concerned about his dead, and if it would not be permitted to remove it, he will extinguish the fire. Said R. Jehudah b. Shilah in the name of R. Ashi, quoting R. Johanan: The Halakha prevails according to Ben Lakish concerning a corpse.

MISHNA *VIII.*: A new lamp may be handled on the Sabbath, but not an old one; R. Simeon, however, says all lamps are permitted to be handled except such as are still burning.

GEMARA: The rabbis taught: A new lamp may be handled, but not an old one; such is the decree of R. Jehudah.

R. Mair, however, says that all lamps may be moved, except a lamp which was lit for the Sabbath (though the light is extinguished); but R. Simeon says, except a lamp which is still burning. If extinguished, it may be moved; but a goblet, bowl, or lantern (used as lamps, must not be removed from their respective places). R. Eliezer b. R. Simeon, says: It is permitted to make use of an extinguished lamp and of the oil dripping from it, even while the lamp is burning.

Said Abayi: R. Eliezer b. Simeon holds in one case to the opinion of his father, but differs with him in the other. He holds with his father in disregarding Muktza (designation),* and differs with him in the other case; for his father is of the opinion that when a lamp is extinguished it may be moved, but not while it is burning; but he is of the opinion that even a burning lamp may be moved. "But a goblet, bowl, or lantern must not." Wherein do these things differ from the others? Said Mar Zutra: R. Simeon allows a small lamp (to be handled), because one will wait until it is extinguished (and then it may be used for another purpose); but these are large, and not apt to become extinguished for some time. R. Zera said: All the schoolmen agree on prohibiting the handling of a candelabrum which had been lit up on Sabbath, but the handling of the candelabrum which was not lit up on the Sabbath is unanimously permitted.

R. Jehudah in the name of Rabh said: "It is not permitted to handle a bed that has been designated as a place to put money in, if the money had already previously been placed upon it (on Friday during twilight even if on the Sabbath *no money*

* Muktza (designation) refers to such objects as are set aside and designated for non-use on the Sabbath. Thus, all materials that are used in the performance of manual labor (prohibited on the Sabbath) are called Muktza. R. Simeon, however, holds there is no such thing as Muktza.

was on the bed). If the money, however, had not previously been deposited on the bed, the handling is permitted. If a bed was not designated for the keeping of money, but contained money, it must not be handled. If it contained no money, it may (providing no money was deposited on the bed during twilight of the preceding Friday). And Rabh says this because he holds with R. Jehudah concerning Muktza.

And it seems that so is the case, as Rabh said one may place a lamp upon a palm tree at any time while it is yet day on Friday, in order that it may burn on the Sabbath; but one may not put a lamp upon the same on a biblical feast day. (It is permitted to place a lamp on a palm tree on the Sabbath because there is no fear of the tree, which is Muktza [designated], being used; but on a biblical feast day it is prohibited for fear that one while depositing or removing the lamp will also use the palm tree; and that is prohibited.)

And this is correct only in accordance with the theory of R. Jehudah; but should Rabh hold with R. Simeon, why does he make a distinction between the Sabbath and a biblical feast day? The law of Muktza does not exist at all according to R. Simeon.

Is that so? Did not Rabh decide, when he was questioned whether one may remove an extinguished 'Hanukah light on the Sabbath for fear of the Magi (this has already been mentioned in a previous connection), that it may be done? The time of danger is different.* R. Kahana and R. Assi then questioned him: "Does the Halakha so prevail?" and he answered: "R. Simeon is worthy to be relied upon in times of danger."

Resh Lakish questioned R. Johanan: "May wheat that has been sown but that has not yet sprouted, or eggs that are still under the hen, be eaten on the Sabbath? Does he (R. Simeon) disregard the law of Muktza only in such cases where the objects were put aside with no intention of ever being used again, or does he disregard Muktza under all circumstances?" He (R. Johanan) replied: "There is no Muktza in his theory but the oil in a burning lamp, because if poured in a lamp for the purpose of keeping the Sabbath-light commandment it is designated for that express function, and as it is not permitted to extinguish that light, the intention not to use the oil for any other purpose is self-evident. But does not R. Simeon hold that the

* The Talmud here refers to Persian festivals, when the burning of lights was prohibited except in sacred shrines.

same is the case with other things which were designated for their religious purposes? Is it not a fact that the ornaments of the tabernacle on that festival must not be used, even in accordance with R. Simeon's theory? As R. Hyya b. R. Joseph taught in the presence of R. Johanan: "One must not remove wood from a booth on any biblical feast day, but he may remove it from any place near by? R. Simeon, however, permits this to be done. Still, they *all* agree that wood must not be removed from a booth built expressly for that feast, on all the seven feast days. However, if there was a stipulation it may be done accordingly" (because the wood is set aside for the ritual purpose). Hence even according to him the designation for ritual purposes must not be used. Why, then, is this different from the oil in question? The Boraitha is to be understood thus: All the ornaments of the booth in question are prohibited so far as all things bearing similitude to the oil in the burning lamp are concerned. And so also it was taught by R. Hyya b. Abba in the name of R. Johanan, that there is no Muktza in the theory of R. Simeon, but in cases which are similar to the oil of the lamp while burning, being designated for the ritual purpose, they are also designated not to be used. Said R. Jehudah in the name of Samuel: "In the opinion of R. Simeon no law of Muktza exists except in the case of raisins and dates which were placed on the roof to be dried." (In such a case there certainly was no intention to use them on the same Sabbath.) Said Rabba b. b. Hana in the name of R. Johanan: "It was said the law remains in accordance with R. Simeon. When R. Itz'hak b. R. Joseph, however, came from Palestine, he said in the name of R. Johanan that the law (of Muktza) according to R. Jehudah prevails, and R. Jehoshua b. Levi said the law prevails with R. Simeon. Said R. Joseph: Now is understood what Rabba b. b. Hana said in name of R. Johanan, *it was said* that the Halakha prevails according to R. Simeon, which means that R. Johanan himself did not agree with their decision. Said Abayi to R. Joseph: "Didst thou not know before this that R. Johanan holds with the opinion of R. Jehudah? Is it not a fact that when R. Abba and R. Assi met in the house of R. Abba of the city of Heifa and a candelabrum fell upon the coat of R. Assi, he (R. Assi) did not remove it? Was it not because he was a disciple of R. Johanan and acted according to the opinion of his master?" Answered R. Joseph: "Thou art speaking of a candelabrum. A candelabrum is a

different matter altogether, for R. Ahai b. Hanina in the name of R. Assi said: Resh Lakish has decided in Zidon, a candelabrum which can be removed with one hand may be handled, but if it has to be removed with both hands it may not; and R. Johanan said: We only hold with R. Simeon in the matter of a lamp; but as for a candelabrum, whether it can be removed with one or both hands, it is prohibited. And why so? Both Rabba and R. Joseph said: Because a separate place must be designated for it.

Said Abayi to R. Joseph: "Have we not observed the case of a baldaquin prepared for a bride and groom, for which a place must be designated? And yet Samuel said in the name of R. Hyya that such may be put up and taken apart on the Sabbath." Said Abayi: The prohibition to handle the candelabrum holds good only in a case where the same is made of several parts. If this be the case, what reason has R. Simeon b. Lakish for allowing this? Say: Not a candelabrum *made* of various parts, but if it looks *like* a candelabrum of various parts. Therefore a candelabrum made of several parts, be it large or small, must not be handled. The handling of a large candelabrum, even if not made of several parts, is also prohibited on account of its marked lines, for fear one may handle such as *are* made of several parts. And the point of their differing is: With a small candelabrum which looks as if made of several parts, one takes the precautionary measure lest one handle that which is really made of several parts, while the other does not care for such a precaution.

R. Malkia chanced to be in the house of R. Simlai and handled a candlestick, the light in which had been extinguished, and R. Simlai became angry on that account. R. Jose the Galilean happened to be in the town of R. Jose b. Hanina and did the same, whereupon R. Jose b. Hanina became angry. R. Abuhu, however, when he happened to be in the place of R. Jehoshua b. Levi, handled, but when he came to the place of R. Johanan he did not handle a candlestick in question out of respect to R. Johanan. R. Jehudah said: A lamp which has been filled with oil may be handled after the light has been extinguished (because it emits no bad odor), but one which contained naphtha may not be handled (on account of its bad odor). Both Rabba and R. Joseph also permit this.

R. Avia once came to the house of Rabha with muddy shoes and sat on the bed in the presence of the latter. This made

Rabha angry, and he tried to disconcert R. Avia with questions. Said he (Rabha): "Can you tell me why Rabba and R. Joseph both said that a lamp filled with naphtha may be handled?" Answered R. Avia: "The reason of their decision is because the lamp is fit to cover a vessel with after being extinguished." And he rejoined: "If this is so, one may also handle shavings scattered in the yard, because they also can be used to cover a vessel with." Answered R. Avia: "A lamp, being a vessel itself, can be used to cover other things with, but shavings are not vessels in themselves and therefore cannot be used singly as covers" (and brought a Boraitha which states that nose jewels, rings, etc., are considered among the vessels which may be handled on Sabbath, and Ulla explained the reason why, because they are considered as vessels). Said R. Na'hman b. Itz'hak: "Praised be the Lord that Rabha did not put R. Avia to shame."

Abayi pointed out to R. Joseph the following contradiction: "Did R. Simeon say that a light may be handled only when extinguished, but if burning it must not be handled? For what reason? Because there is a chance of extinguishing it while it is being handled?" Have we not learned that R. Simeon said: "An act which is committed unintentionally is permissible." Such is the decision of R. Simeon? (This presents no difficulty.) One must not take chances with an act which, if done intentionally, would cause a violation of a biblical ordinance; but if the violation would be only that of a rabbinical ordinance, chances may be taken.

Objected Rabha: "We have learned: Dealers in clothing may sell clothes made of wool and cotton mixed. They are permitted to try on such clothes or to carry them (temporarily) on their shoulders, provided the intention to use them as a protection against the sun and rain does not exist. Now, the wearing of a mixture of wool and cotton is biblically prohibited, still R. Simeon permits it to be done temporarily. Therefore said Rabha: "Discard the case of the lamp, oil, and wick; there is another reason entirely—viz., because one becomes a basis of a thing the handling of whch is in itself prohibited (*i.e.*, the light in itself cannot be handled)."

Said R. Zera in the name of R. Assi, quoting R. Johanan, who said in the name of R. Hanina that he was told by R. Romnas: "Rabbi permitted me to handle a pan containing glowing ashes."

And R. Zera himself was deliberating: Did indeed R. Johanan say so? Have we not heard that Rabba b. b. Hana said in his (R. Johanan's) name, referring to our Mishna, which states that a man may handle a box containing a stone: "He may do so providing the box also contains fruit." How, then, could R. Johanan permit a pan with glowing ashes to be handled?" R. Assi was astounded for some time, but finally answered: "The pan referred to still contained some grains of incense."

But Rabha said: While we were in R. Na'hman's house we handled a fire-pot on account of its ashes (the ashes were needed for some purpose, therefore the pot was allowed to be handled), although there were some broken sticks of wood upon it.

The schoolmen raised the following objection: R. Simeon and R. Jehudah agree that if there are broken pieces of wick in a lamp, it is prohibited to handle the lamp. Said Abayi: "This was taught in Galilea" (Galilea is a state where linen cloth is scarce, for which reason the broken pieces of wick are valuable, and the lamp, being the receptacle of prohibited valuables, is not permitted to be handled on the Sabbath).

Levi, the son of Samuel, met R. Abba and R. Huna the son of Hyya standing at the entrance of R. Huna's house; and Levi questioned: "Is it allowed to fold the beds of travelling coppersmiths on a Sabbath?" They answered: "Yea." In allowing this the two rabbis held with (the opinion of R. Simeon b. Gamaliel in a) following Boraitha: It is not permitted to put together a bed which has been taken apart; but if one did so, he is not culpable. One must not fasten the bed with pegs, but if he did so he only lays himself liable to bring a sin-offering. R. Simeon b. Gamaliel, however, said: "If the bed was loose it may be fastened."

R. Hama had a folding-bed in his house. He put it together on a biblical feast day, and one of the young rabbis questioned Rabha: "What reason is to be found for this act? Is it because of indirect building; granted that there is no biblical prohibition to this effect, there surely is a rabbinical?" Answered Rabha: "I think that the reason is the decision of R. Simeon b. Gamaliel (with whom I agree) that it is permissible to put a bed together if the bed is loose."

MISHNA *IX.*: One may put a vessel underneath a lamp for the purpose of receiving the sparks falling from the lamp, but he shall not put water into the vessel, because thereby the sparks would become extinguished.

GEMARA: Would this act not render the vessel useless? Said R. Huna the son of R. Jehoshua: "The vessel is not made useless, because sparks do not amount to anything."

"*He shall not put any water into it,*" etc. Shall we assume that this anonymous Mishna is in accordance with R. Jose, who said that it is prohibited even to *cause* light to be extinguished? How can you explain this in this way? R. Jose spoke of the Sabbath itself; have you heard him saying so about the eve of Sabbath? And should you say that here is also meant on Sabbath itself, there is a Boraitha which states plainly: A vessel may be put under the lamp to receive sparks on Sabbath, and so much the more on the eve of Sabbath; but water must not be put in, even on the eve of Sabbath, and much less on the Sabbath itself. Therefore said R. Ashi: "It may be said that it is in accordance even with the rabbis, who do not mind the causing of light to be extinguished through indirect means on the Sabbath. In this case, however, the sparks are extinguished (through direct means, *i.e.*) by placing water underneath the lamp."

CHAPTER IV.

REGULATIONS CONCERNING VICTUALS, WHERE THEY MAY OR MAY NOT BE DEPOSITED TO RETAIN THEIR HEAT FOR THE SABBATH.

MISHNA *I.*: Wherein may hot vessels be deposited (to retain the heat) and wherein may they not? Depositing in Gepheth (olive waste), dung, salt, lime, and sand, either wet or dry, is not allowed. In straw, grape-skins, wool-flocks, or grass it is permitted, provided they are dry, but not when they are still wet.

GEMARA: A question was propounded: "Is the use of olive waste only prohibited, but the use of the oil-cakes allowed; or does the Mishna allude to oil-cakes and still more so to olive waste (for it produces more heat)?" For the purpose of depositing in, both kinds are not allowed; (but if the victuals have been deposited in a permissible thing and were subsequently placed on oil-cakes no wrong was done, because) oil-cake does not produce heat; olive waste produces heat.

Rabba and R. Zera once met at the Exilarch's house; they saw there a servant putting a can (with warm water) on top of a kettle (containing cold water), and Rabba rebuked him. Said R. Zera to him: "In what particular does this case differ from that of putting one pan on top of another?" Answered Rabba: "Here heat is produced, but there it is only preserved." Another time they saw (the servant) spreading a turban over a pitcher and putting a cup on top of it. Again Rabba rebuked him. R. Zera asked for the reason, and Rabba answered: "You will soon see him wringing* the turban," which he did. R. Zera again asked: "In what particular does this case differ from that of a spread cloth?" Answered Rabba: "Here he is particular (lest it become wet and he will wring it), while there he is not."

"*In straw.*" R. Adda b. Masna questioned Abayi: "May wool-flocks, in which (victuals) were deposited, be handled on Sabbath?" Abayi answered: "Because of a lack of straw,

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* Wringing (in Hebrew, Se'hitah) is prohibited on the Sabbath.

would a man sacrifice a valuable lot of wool-flock ?" (When placing victuals in straw no intention to make further use of the straw exists, and it becomes part of the pot itself; with wool-flocks the case is different, for they are intended for further use and therefore must not be handled on Sabbath.)

R. Hisda permitted the replacing of waste (fallen out) of a pillow on Sabbath.

R. Hanan b. Hisda objected to him from the following: "Untying the opening (for the neck) of a shirt is permitted on Sabbath, but cutting it is prohibited, and waste must not be placed into a pillow or bolster on a biblical feast day, much less on a Sabbath."

This presents no difficulty. Placing new waste in a pillow-case is not allowed, but replacing old waste is allowed. And so also we have learned plainly in a Boraitha, that when they fall out they may be replaced even on Sabbath, and much the more on a feast day.

R. Jehudah in the name of Rabh said: "Whosoever makes an opening (for the neck in an unfinished shirt) on Sabbath is liable to a sin-offering."

R. Kahana opposed, saying: What is the difference between an opening for the neck and a bunghead (in a barrel) ? Rabha answered: A bunghead is not attached to the barrel (*i.e.*, it forms no part of it), but an opening for the neck is made by an incision in the shirt, and hence is part and parcel of same. In Sura the following doctrine was taught in the name of R. Hisda, and in Pumbeditha the same was taught in the name of R. Kahana or Rabha: "Who was the Tana in whose name the sages taught that the part and parcel of a thing is on a par with the thing itself ?" Said R. Jehudah in the name of Rabh: "It is R. Meir (of the Mishna, Kelim, VIII.) who holds that the attachment built on a hearth is on a par with the hearth itself and becomes unclean when touched by an unclean thing."

"*When wet.*" A question was propounded: Naturally or artificially wet ? Come and hear. The Mishna says: "Not with straw, nor with grape-skins, nor with wool-flocks, nor with grass when wet." It is right only if we accept the theory that they became wet, but should we venture to think them naturally wet, how is this to be imagined ? Can wool-flocks be naturally wet ? The sweaty wool under the hips may be meant. Did not R. Oshia teach we may deposit in dry cloth and dry fruit, but not in wet cloth or wet fruit ? How is naturally wet

cloth to be imagined? This may also mean cloth made from the sweaty wool under the hips of the sheep.

MISHNA *II.*: It may be deposited in cloth, fruit, pigeon feathers, shavings, and fine flaxen tow. R. Jehudah forbids the use of fine, but permits the use of coarse flaxen tow.

GEMARA: "*Shavings.*" A question was propounded: Does R. Jehudah forbid the use of fine *shavings* or fine flaxen tow? Come and hear. We have learned in a Boraitha, R. Jehudah says: Fine flaxen tow is the same as dung, which increases heat; therefore the conclusion is that he means flaxen tow.

MISHNA *III.*: It may be deposited (wrapped) in skins, and they may be handled; in shorn wool, and must not be handled. How can this be done? The lid is raised and it (the shorn wool) falls down. R. Elazar b. Azarya says: The vessel is bent sideways lest it be taken out and cannot be replaced, but the sages say it may be taken out and replaced.

GEMARA: A question was propounded by R. Jonathan b. Akhinayi, R. Jonathan b. Elazar, and R. Hanina b. Hama: Does the Mishna allude to skins beloning to private men only, hence skins belonging to an artisan, who is particular with them, may not be handled under any circumstances; or perhaps the Mishna allows even an artisan's skins? Answered R. Jonathan b. Elazar to them: It is reasonable to accept that it applies only to those belonging to private men but not to artisans, because they (the artisans) are particular. Said R. Hanina b. Hama to them: Thus said R. Ishmael b. Jossi: "My father was a tanner, and he said, 'Bring some skins here to sit on.'"

An objection was raised: Boards of private men may be handled, but not those of artisans (if, however, the intention is to serve a meal on them for guests both kinds may be handled)? With boards it is different. Even private men are particular with boards.

On this point the following Tanaim differ: Skins belonging to private men may be handled, but not those of artisans. R. Jossi says both kinds may be handled.

While they were sitting together another question was propounded by them: The forty less one principal acts of labor on Sabbath, where are they taken from? Said R. Hanina b. Hama: "From the acts of labor performed at the tabernacle." R. Jonathan b. Elazar, however, said: Thus said R. Simeon b. Jossi b. Laqunia: From the thirty-nine times the words "work," "his work," and "work of" are to be found in the Pentateuch.

R. Joseph questioned Rabba: Is the term "his work" which is found in the passage "and Joseph came into the house to do his work" [Gen. xxxix. 12] also of the number or not? Abayi answered him: "Let us bring the book and count," and he rejoined: "I am in doubt whether the verse 'and the work was enough' [Ex. xxxvi. 7] is of the number, and the former verse is to be explained 'he came in to do his business,' or whether the former is of the number and the latter is to be explained 'the task was completed.'" (Both verses cannot be counted among the thirty-nine, because if they are there will be forty in all.) This question remains unanswered.

It is proven by a Boraitha that the adduction of the thirty-nine acts is made from the acts performed at the tabernacle, for we were taught: One is culpable only for the performance of such work as was done at the building of the tabernacle. They have sown, but ye must not sow; they have harvested, but ye must not; they have loaded the boards from the ground upon wagons, but ye must remove nothing from public into private ground; they have unloaded from the wagons to the ground, but ye must not remove from private into public ground; they have transferred from one wagon into another, but ye must transfer nothing from private into private ground. "From private into private ground." What wrong is committed by that? Both Abayi and Rabha, and according to others R. Adda b. Ahabha, said: "From private into private ground by way of public ground."

"*In shorn wool and may not be handled.*" Rabha and Rabhin in the name of Rabbi (Jehudah Hanassi) said: "It is only taught, when not designated for the purpose of depositing in them, but if designated for that purpose they may be handled." Rabhina says that the teaching of the Mishna is applicable to shorn wool taken from stock (of a store).

The following Boraitha is in support of this: Shorn wool taken from stock is not to be handled, but if prepared by a private man for a purpose it may be handled.

Rabba b. b. Hana taught before Rabh: Palm branches, if cut off for use as fuel and finally intended for sitting purposes, must be tied together (before the Sabbath). R. Simeon b. Gamaliel said it needs not tying. He who taught this has himself declared that the Halakha prevails in accordance with R. Simeon b. Gamaliel.

It was taught: (In relation to sitting on palm branches cut

off for use as fuel) Rabh said (it must be) tied. Samuel said: The intention on the eve of Sabbath suffices; and R. Assi said: Sitting (on them before the Sabbath), even if not tied nor previously intended for sitting purposes on the Sabbath, is sufficient. It is clear that Rabh holds with the first teacher and Samuel holds with R. Simeon b. Gamaliel, but whom does R. Assi's opinion agree with? He is in accordance with the Tana of the following Boraitha: It is permitted to go out (on Sabbath) with a flax or wool plaster (on a wound) when dipped in oil and tied with a string, but it is not permitted when the plaster is not dipped in oil or tied with a string; but if one went out with it only a little before the Sabbath, even if not dipped in oil and tied, it is permissible. Said R. Ashi: "We were also taught in a Mishna in support of this; but who is the teacher that does not agree with R. Simeon b. Gamaliel?" It is R. Hanina b. Aqiba, for when R. Dimi came from Palestine he said in the name of Zera, quoting R. Hanina: R. Hanina b. Aqiba once went with his disciples to a place and found some palm branches tied together to be used as fuel; he said to his disciples: "Make up your minds to sit on them to-morrow." I do not know whether there was to be a wedding or a funeral that following day, but the inference from this narration is: Only in the case of a wedding or funeral, when people are busy (and could not tie them up), the intention is sufficient, but otherwise tying together is necessary.

R. Jehudah said: "One is permitted to carry in a box of sand on the Sabbath for the purpose (of covering up an unclean place) and use the remainder for any purpose whatever. Mar Zutra, in the name of Mar Zutra the Great, interpreted this—providing he singled out a corner for it. Said the rabbis before R. Papa: "Is this teaching (of the great Mar Zutra) in accord only with the opinion of R. Simeon b. Gamaliel, but not with that of the rabbis who require action rather than intention?" R. Papa answered: It may even be in accord with the rabbis, who require action only where it is possible, and this action (tying together or sitting on sand) is impossible (as reserving a corner for them is not considered an act, but an intention only).

R. Jehudah permits the use of the dust of incense on the Sabbath. R. Joseph permits poppy-seed waste. Rabha permits pepper dust and R. Shesheth *Barda*, to wash the face with. What is Barda? Said R. Joseph: A powder of one-third

aloe, one-third myrrh, and one-third violet. R. Nehemiah b. Joseph also permits Barda, provided it does not contain more than a third part of aloe.

R. Sheshetn was asked if it was permitted to crush olives on Sabbath? He answered: "Is it permitted on week days?" He is of the opinion that the spoiling of food is not allowed.

Barda was brought to Ameimar, Mar Zutra, and R. Ashi. Ameimar and R. Ashi washed themselves with it, but Mar Zutra did not. They asked him: "Do you, Master, not hold with R. Sheshetn, who permits the use of it?" Said R. Mordecai to them: Leave out the master in this question, for he does not even use Barda on week days. He holds with the following Boraitha: "One is permitted to scratch off crust of excrement and of wounds only for the purpose of relieving pain, but not for the purpose of beautifying the person." And the above-mentioned rabbis agree with the teaching of the following: One should wash his face, hands, and feet daily out of respect for his Creator, as it is written [Prov. xvi. 4]: "Every thing hath the Lord wrought for its destined end." *

"*The vessel is bent sideways*," etc. Said R. Aba in the name of R. Hyya b. Ashi, quoting Rabh: If the cavity formed by the vessel got out of shape it is not permitted to replace (the vessel). There is an objection from our Mishna: "And the sages say it may be taken out and replaced." How shall this be understood? If the cavity remained intact the rabbis did well by telling us that the replacing of the vessel was allowed; but if the cavity got out of shape, is it not self-evident that replacing is not permitted? Nay; they still maintain that the cavity did not get out of shape, and the controversy (in the case) is as regards precaution. One maintains that this precaution is to be taken (lest we replace the vessel when the cavity is out of shape), while the others contend this is not necessary.

R. Huna said: "A fragrant plant used after meals in place of burnt spices, if it was taken out of and replaced in the flower-pot before Sabbath, it may be taken out, used, and replaced on Sabbath, but not otherwise. Samuel said that the same is the case with a knife that was preserved between the bricks. Mar Zutra, according to others R. Ashi, said that a knife may be preserved between the branches of the root. And

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* The expression in Hebrew is *lema'anehu;* literally, "for his own purpose." Leeser translates for the purpose of the things created; the Talmud, however, takes it literally.

R. Mordecai said to Rabha that R. Qatina has objected to the above rabbis, who said that if it were not replaced before Sabbath it must not be used, from a Mishna (Kilaim, I. 9), which states plainly that it may be taken out on Sabbath. This question remains.

MISHNA *IV.*: (A vessel) not covered during daylight must not be covered after dark. If, after having been covered, it became uncovered, it is permitted to cover it again. A pitcher may be filled with cold victuals and put under a pillow (to keep it cool).

GEMARA: R. Jehudah in the name of Samuel said: "It is permitted to store cold victuals (to protect them from the sun)." Said R. Joseph: "What news came he to teach? Have we not learned this in the above Mishna?" Abayi answered: "A great deal! From the Mishna I would infer that only such things as are not usually stored are permissible (for in that case no precaution lest one put warm victuals under a pillow or bolster for the purpose of generating heat is necessary); he informs us, however, that even such things as are usually stored are permissible also." R. Huna in the name of Rabbi, however, says: "It is prohibited." Were we not taught that Rabbi has permitted this? This presents no difficulty. In the former instance he did so when he was not as yet aware of the following decision of R. Ishmael b. Jossi. Rabbi at one time decided that it is forbidden to store cold victuals. Said R. Ishmael b. Jossi to him: "My father permitted it," whereupon Rabbi said: "If this sage has once permitted it, so shall it be done." Said R. Papa: Come ye and note the mutual respect: Had R. Jossi been alive, he would have had to show respect to Rabbi; as R. Ishmael, who succeeded his father in every respect, also has acknowledged Rabbi's superiority. Still Rabbi accepted his decision.

R. Na'hman said to his slave Doru: "Store some cold victuals for me and bring me warm water from a Gentile cookshop." R. Ami heard this and was angry. Said R. Joseph: "What was the reason of his anger? Did not R. Na'hman act in accordance with the teachings of the great masters, Rabh and Samuel?" R. Jehudah in the name of Samuel said: It is permitted to store cold victuals, and R. Samuel b. R. Itz'hak said in the name of Rabh: Anything that may be consumed raw is not included in the prohibition relating to cooking by a Gentile; he (R. Ami), however, was of the opinion that, although it is

allowed, a man of note should not practise it (because the layman seeing such things of the scholar he might allow himself still more).

The rabbis taught: "Although the sages said it is not allowed to deposit (warm victuals) after dark, even in such receptacles as do not increase the heat, still, if already deposited, it is permitted to add more cover. How can this be done? R. Simeon b. Gamaliel says: "In cold weather the covering sheet may be taken off and a blanket substituted; in warm weather the blanket may be taken off and a sheet substituted." Furthermore said the same: "The sages prohibited (to deposit warm victuals) only in the same pan in which they were cooked, but if emptied into another pan it is permitted; and there is no fear of one coming to cook (on the Sabbath); for (the act of) emptying (the victuals) from the cooking-pan (into another) proves (that there is no such intention).

If one deposited a pot (containing victuals) in material that may be handled on the Sabbath, and covered it with the same, or even deposited it in non-permissible material, but covered it with permissible, he may take out the pot and replace it; but if he deposited it in non-permissible material and covered it with the same, or even deposited it in permissible, but covered it with non-permissible material, he *may* take *out* the pot, but can replace it only if the pot was but partly covered. Otherwise, he must not replace it at all.

It is permitted to put one cooking-pan upon another, and also one earthen pot upon another, but not an earthen pot upon a cooking-pan, or a cooking-pan upon an earthen pot. (Even on Sabbath) the cover of a pot may be fastened down with dough (kneaded on Friday before dusk). In the case of putting one pan or pot upon another, this may be done only to preserve the heat, but not for the purpose of heating the upper pot by means of the lower one.

The same as it is forbidden to store warm (victuals), so it is also forbidden to store cold (victuals) on the Sabbath; but Rabbi permitted the latter to be done. Even so is it prohibited to chop ice on Sabbath in order to obtain cold water, but ice may be put into a vessel or a pitcher without fear of the consequences.

CHAPTER V.

REGULATIONS CONCERNING WHAT MAY AND MAY NOT BE WORN BY ANIMALS ON THE SABBATH.

MISHNA *I.*: What gear may we let animals go about in and what not?* The male camel in a bridle; the female camel with a nose-ring; Lybian asses in a halter, and a horse in a collar. All (animals) that are used to collars may go out in and may be led by the collar. Such gear (when it becomes defiled) can be sprinkled and submerged without being removed from its (proper) place (on the animal).

GEMARA: R. Jehudah in the name of Samuel said: "Rabbi was asked, How is it when the reverse is the case? *i.e.*, when the female camel is bridled and the male camel is invested with a nose-ring? May they be allowed to go about? There is no question as to a bridle on a female camel, for it is considered a burden; as to a nose-ring on a male camel, shall we assume that it is merely an additional safeguard, and thus becomes permissible, or is it an unnecessary safeguard and hence not allowed?" R. Ishmael b. Jossi answered: "Thus my father said: Four animals may go about with a bridle on—the horse, the mule, the camel, and the ass." A Boraitha states: Lydda asses and camels may go about with a bridle on. The following Tanaim, however, differ as to this point (whether a superfluous safeguard is a burden or not): one maintains that no animal may go about burdened with a chain; but Hananya says a chain or anything else that is intended as a safeguard is permitted.

Said R. Huna b. Hyya in the name of Samuel: "The Halakha prevails according to Hananya."

Levi b. R. Huna b. Hyya and Rabba b. R. Huna once travelled together; arriving at an entrance, the former's ass ran ahead of the latter's. Rabba b. R. Huna became dejected (at the lack of respect shown him, supposing it to have been done intentionally). Thought Levi to himself: "I will pacify him

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* See Exodus xx. 10 and Deut. v. 14, where it is prohibited to have cattle perform work on the Sabbath. The Mishna considers the carrying of burdens work and defines what gear constitutes a burden for cattle and what does not.

with the following question: Is it permitted to put a halter on an unmanageable ass like mine on the Sabbath?" Rejoined Rabba: "So said your father in the name of Samuel: 'The decision of Hananya prevails.'"

At the school of Menashyah it was taught: A goat with a bridle fastened to his horns is permitted to go about on Sabbath (but not if the bridle was simply tied to the horns, as it may slip off and a man may be forced to carry the bridle).

An objection was raised: "Were we not taught in a Mishna that it is not allowed to let a cow go about with a strap tied between her horns?"

Said R. Irmya b. Aba: On this point Rabh and Samuel differ; according to one it is prohibited at any rate, and according to the other, if for an ornament it is prohibited, but as a safeguard it is permitted. Said R. Joseph: "It seems that Samuel was the one who permitted it as a safeguard, as R. Huna said in his name the Halakha prevails according to Hananya." Said Abayi to R. Joseph: "On the contrary, it may be that Samuel is the one who forbids it at any rate, as R. Jehudah said above in his name: Rabbi was asked: How is it when the reverse is the case," etc. Does this not mean to exclude a nose-ring from a camel? But why should you prefer this latter saying to the former one? Because it was taught: "R. Hyya b. Ashi said in the name of Rabh that it is forbidden at any rate; and R. Hyya b. Abhin in the name of Samuel said: It is permitted as a safeguard."

An objection was raised from the following: If the owner tied the (red) heifer with a halter, she may nevertheless be used. Should you assume that this (halter) is a burden (how could she be used)? (Do not) the Scriptures say [Numbers, xix. 2]: "Upon which there was no yoke"? Answered Abayi: "(It is to be understood) when the owner leads her from one town to another, (the halter is a necessary safeguard, hence no burden)." Rabh said: "There is quite a difference in the case of the red heifer," as she is very valuable (and must be guarded). Rabhina said: "She must have a halter on account of her stubbornness."

"*The horse with a collar.*" What is meant by "go about" or led? R. Huna said: "It makes no difference whether the strap hangs loose on the animal's neck or is used as a rein; but Samuel said they may go about if led (by the strap) but not (with the strap) hanging loose.

A Boraitha teaches: "They may go about with the halter tied round their necks in order that they may be led whenever necessary." Said R. Joseph: "I have seen the calves of R. Huna going out on a Sabbath with their halters round their necks." R. Samuel b. Jehudah, when coming from Palestine, said in the name of R. Hanina that Rabbi's mules also went out on a Sabbath with their halters tied around their necks.

"*And are sprinkled,*" etc. Is this to say that they are subject to defilement? Does not a Mishna state [Kelim, XII. 8] that only rings worn by human beings are subject to defilement, but harness and all other rings are not? Said R. Itz'hak of Naph'ha*: The collar-ring having at one time been used by men for personal purposes and become defiled, still retains its defiled character; R. Joseph, however, maintains it is not necessary to claim this. The fact that the collar-ring is used by man for the purpose of guiding the animal lays it open to becoming defiled, as we have learned in the Boraitha which taught us: A metal whip is subject to defilement, for the reason that man uses it to manage the animal with.

"*And submerged without removing it from its place.*" Would this not constitute a case of "Chatzitzah" (intervention).† Said R. Ami: "(Intervention of the bridle between the neck and the water) is avoided by loosening the bridle." A Boraitha teaches: "Intervention is avoided by the size of the bridle."

MISHNA *II.*: The ass may go out with a rug fastened around him; rams may go out with leather bandages tied around their privates; sheep may go out with their tails tied up or down and wrapped (to preserve the fine wool); she-goats may go out with their udders tied up. R. Jossi forbids all this except sheep wrapped up. R. Jehudah says: She-goats may go out with their udders tied up to stop the lactation, but not to save the milk.

GEMARA: Said Samuel: The Mishna means: "Only when the (rug) is fastened on Sabbath eve." Said R. Na'hman: It seems to be so from the following Mishna: "An ass may not

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* Naph'ha is Aramaic for "smith." According to the opinion of Dr. I. M. Wise, the reviser of this Tract in the first edition, Naph'ha refers to the city whence R. Itz'hak came. This was criticised, but we found the same was said by Frankel and many others.

† When any article of apparel, worn by a person or animal while bathing, intervenes between the body and the water, *i.e.*, bars the admission of the water to the body, it constitutes a case of "Chatzitzah."

go out with a rug unless fastened." How should this be understood? Shall we say that (the rug) is not fastened at all? Then it would be self-evident, lest it fall off and will have to be carried by a man. We must, therefore, assume that the Mishna's meaning of "not fastened" signifies "not fastened before the Sabbath." Hence Samuel's opinion has a good reason.

And it is also supported in the following Boraitha: "The ass may go out with a rug fastened before the Sabbath, but not with a saddle, even though fastened before." R. Simeon b. Gamaliel says: "Even with a saddle, if fastened before the Sabbath, provided, however, no stirrups are attached to the saddle and a crupper under the tail."

R. Assi b. Nathan questioned R. Hyya b. R. Ashi: Is it permitted to put a rug on an ass on the Sabbath?" "It is," was the answer. And to the question: "What is the difference (in the Law) between these two?" He was silent. (Misinterpreting the silence,) R. Assi objected: "A Boraitha teaches: It is not allowed to remove the saddle from the ass directly, but one may move it to and fro until it falls off; if you say it is forbidden to handle the saddle, is there any question as to putting it on?" Said R. Zera to him: "Leave him alone! He is of the opinion of his teacher (Rabh), in whose name R. Hyya b. R. Ashi related that he (Rabh) permitted putting a feed-bag on an animal on Sabbath." A feed-bag, which is nothing but an accommodation, is permitted; so much the more a rug, which is a relief! Samuel, however, permitted a rug, but prohibited a feed-bag. R. Hyya b. Joseph reported the opinion of Rabh to Samuel, whereupon the latter said: "If so said Abba, he knows nothing of the laws of Sabbath."

When R. Zera came (to Palestine), he heard R. Benjamin b. Japheth stating in the name of R. Johanan that it is permitted to put on a rug. He thanked him for it and, continuing, remarked: "Thus has the Arioch (King of Laws) in Babylon decided." Who is meant by the title (Arioch)? Samuel.

From the foregoing it is evident that all agree that it is permitted to cover an ass with a rug on Sabbath. But what is the point in which a saddle differs from the rug? It differs therein that a saddle may drop off (and involve the necessity of handling). R. Papa gave another reason: "To cover an ass with a rug is an act of relief, for it is said that an ass feels cold even in summer, but to remove a saddle from an ass's back in order to cool off the ass is not necessarily an act of relief."

An objection was raised. We have learned: "The horse shall not go out with a fox-tail (for a pompon) and calves with the feed-bags on public ground." Shall we not assume that (in the case of the calves) they may not go out on public ground, but they may on private ground, and it refers even to large calves (whose necks are long enough to reach the ground with their mouths easily); thus feed-bags are merely an accommodation? Nay; the permission to carry feed-bags applies only to small calves (whose necks are short and legs long, and to which reaching down to the ground with their mouths would entail a hardship) and must be considered as a necessary relief.

The master said: "She-goats must not go out with a bag attached to their udders." Is there not a Boraitha which teaches that they *may?* Said R. Jehudah: "This presents no difficulty. In the former case the bag is *not* tied fast, in the latter it *is* (and there is no reason for apprehension lest it drop off and will have to be carried)." Said R. Joseph: "Why, you have entirely done away with the teachers of our Mishna. There *is* a difference of opinion between the teachers in this very Mishna: 'She-goats may go out with a bag tied to their udders.'" R. Jossi forbids all except sheep with covers on to protect the wool. R. Jehudah says: "She-goats may go out with their udders tied up for the purpose of preventing lactation, but not for the purpose of saving the milk."

We have learned in a Boraitha: R. Jehudah related the case of she-goats which he saw in Antioch. Their udders were so large that bags had to be made for them in order to prevent their dragging on the ground and becoming mutilated. (These bags were worn also on the Sabbath.)

The rabbis taught: "It happened with one man whose wife died and left him a nursing child, he was so poor that he could not pay a wet-nurse. A miracle happened to him; his breasts opened and he nursed his child." Said R. Joseph: Come and see how great the man must have been that such a miracle was wrought for him. Said Abayi to him: On the contrary, Behold how bad the man must have been that the nature of mankind changed in him and nothing occurred to enable him to earn enough money to pay a nurse. Says R. Jehudah: Come and see how hard it is for heaven to change the fate of a man concerning his livelihood, that the nature of the world was changed, but not his fate. Said R. Na'hman: It is proven by this fact that

a miracle occurred, but he was not provided with means for paying a wet-nurse.

The rabbis taught "It happened once that a man wedded a woman with a mutilated hand, and did not discover it until she died." Said Rabh: "Behold how chaste this woman must have been, for even her husband did not discover it." R. Hyya retorted: "This is nothing! It is natural with women to hide their defects, but note the modesty of the man, who did not discover it in his wife."

"Rams may go out with (leather) bands around their privates." What kind of bands? Said R. Huna: "Hobbles." Ulla said they were leather bands tied around their breasts to prevent them from the attack of wolves. Do wolves attack only the males and never the females? It is because the males always go ahead of the flocks. Do wolves attack only the advance of a flock and never the rear? It is because the males are usually fat. Are there no fat sheep among the females? Moreover, how can the wolves know which is which? It is because the males generally lift their heads and look around cautiously. R. Na'hman b. Itz'hak said they wore leather bands tied around their privates to prevent them from having coition with the females. Whence this inference? From the last clause of the Mishna, "The sheep may go out with their tails tied up," in order that the males may have coition with them; hence we infer that the first clause is for the purpose of preventing them.

"She-goats may go out with a bag tied around their udders." It was taught: Rabh said that the Halakha prevails in accordance with R. Jehudah; and Samuel held it to be in accordance with R. Jossi. Others taught: Rabh and Samuel did not directly cite the opinions of the Tanaim just mentioned, but they themselves decreed as follows: Rabh held that she-goats may go out with their udders tied up for the purpose of preventing lactation, but not to save the milk. Samuel, however, prohibited this in both cases. Others again say: R. Jehudah b. Bathyra long ago decided the same as Rabh, but added that on account of the impossibility of determining what purpose the tying up of the udders would serve, it is entirely prohibited. Thereupon Samuel decided that the Halakha prevails with him. Rabbin upon his arrival in Babylon said that R. Johanan said that the Halakha prevails in accordance with the first Tana.

MISHNA *III.*: And what must (animals) not go about in? The camel with a crupper, nor with hobbles on both legs, nor with the front leg hobbled with the hind. This law is applied to all other animals. It is not allowed to tie camels together with a rope and then lead them; but one is permitted to hold in his hand the several ropes on the camels and lead them, provided the ropes are not twisted into one.

GEMARA: A Boraitha in addition to this Mishna states: "If the crupper is fastened to the hump as well as to the tail of the camel, it may go about." Rabba b. R. Huna says: A camel may go about with a pad under its tail (to prevent friction).

"*One is not to tie camels.*" What is the reason? Said R. Ashi: Because it looks like leading them to market.

"*But one is permitted to hold in his hand,*" etc. Said R. Ashi: This law was stated only concerning (Kilaim), and hence the teacher means to say, provided he does not tie or twist them. Samuel said: And provided the cords do not protrude from his hand as much as the length of a span. Was it not taught at the school of Samuel, two spans? Said Abayi: From the difference between Samuel himself and his school we infer that Samuel came to teach us how to practise. But did not a Boraitha state: Provided he lifts (the cords) from the ground one span (but there is no restriction as to the quantity protruding from his hands)? The non-restriction of the quantity of cord applies only to the amount of cord used for the distance between the animal and the man's hand. (In that case the quantity is unlimited. The quantity of cord, however, protruding from the man's hand must not exceed one span; so also the distance from the ground to the cords must be at least one span.)

MISHNA *IV.*: The ass is not to go out with a rug, unless fastened, neither with a bell that has been muffled, nor with a collar on his neck, nor with ankle-boots. The hens are not to go out with cords tied to them, nor with straps on their feet. Rams are not to go out with carts tied to their tails; nor sheep with sneezing-wood; the calf with the reed yoke, nor the cow with the skin of a hedgehog (tied to the udder), nor with a strap (between her horns). The cow of R. Elazar b. Azarya went out with a strap between the horns against the approval of the rabbis.

GEMARA: "*Neither with a bell that has been muffled.*" For it looks like bringing it to market.

"*Nor with a collar on his neck.*" Said R. Huna: With a collar underneath his jowls. What was the collar intended for? To prevent irritation of any wounds that may have been on the neck.

"*Nor with ankle-boots.*" To prevent injury from kicking one foot against the other.

"*The hens with cords.*" As a distinguishing mark.

"*Nor with straps on their feet.*" To prevent damage arising from jumping.

"*The rams with carts.*" To prevent the ends of their tails from damage through trailing on the ground.

"*Nor sheep with sneezing-wood.*" (What is it?) Said R. Huna: "In seaports there is to be found a kind of tree called 'Hanun, which produces sneezing-wood, which when held under a sheep's nose produces sneezing, and while sneezing such vermin as may have lodged in the sheep's head are expelled. If such be the case, may rams not go out with it either? For rams sneezing-wood is not used at all. They butt with their heads, therefore vermin drops out of its own accord.

"*Nor the cow with the skin of the hedgehog,*" etc. To prevent leeches from sticking to the udder.

"*Nor with the strap between the horns.*" Why not? Either in accordance with Rabh, who forbids it at any rate, or in accordance with Samuel, who forbids it as an ornament.

"*The cow of R. Elazar b. Azarya,*" etc. Had he only one cow? Did not Rabh, or R. Jehudah in the name of Rabh, say that R. Elazar b. Azarya gave yearly as tithes from his herds as many as twelve thousand calves? We have learned (in a Boraitha): The cow in question was not his, but a neighboring woman's. It is only ascribed to him because he did not protest against it.

Rabh, R. Hanina, R. Jonathan, and R. Habiba [in the whole Section of Festivals, where the four names stand together, R. Jonathan must be read instead of R. Johanan] all said: He who has the power to protest against wrong in his house and does not do so, is responsible for (the transgressions of) every one in his house. In the city (where his protest would be recognized), he is responsible for the transgressions of every one of the inhabitants of the city; and if he is such a great man that his word would be respected in the whole world, he is punished for (transgressions of all) mankind. Said R. Papa: "And the Exilarchs are punished for the sins of all Israel." As R. Hanina

said: It is written: "The Eternal will enter into judgment with the elders of his people and with the princes thereof" [Isaiah, iii. 14]. If the princes sinned, what have the elders to do with it? The intent is to say: Because the elders did not protest against the princes.

R. Jehudah sat before Samuel, when a woman came in complaining, and Samuel paid no attention to her. Said R. Jehudah to him: "Is Master unaware of the passage: Whosoever stops his ears at cry of the poor, he also shall cry himself and not be heard"? [Prov. xxi. 13]. Samuel retorted: "Ingenious scholar! Your head-master (meaning himself) is on safe ground, but our Chief is responsible," Mar Uqba, being at that time Chief of the Judges (it was his affair), for it is written [Jerem. xxi. 12]: "O House of David! Thus hath said the Lord: Exercise justice on (every) morning, and deliver him that is robbed out of the hand of the oppressor, lest my fury go forth like fire, and burn so that none can quench it, because of the evil of your doings."

Said R. Zera to R. Simon: "Let Master reprove the Exilarch's retainers." He answered: "They care not for me." Rejoined R. Zera: Even if they do not care, reprove them anyhow; for R. Aha b. Hanina said: The Holy One, blessed be He, never issued a benevolent decree, which He subsequently reversed into malevolence, except in this sole instance, which is written [Ezekiel, ix. 41]: "And the Lord said unto him, Pass through the midst of the city, through the midst of Jerusalem, and inscribe a mark upon the foreheads," etc. Thus said the Holy One, blessed be He, to Gabriel: "Go and set the mark (the Hebrew letter Tabh) in ink upon the foreheads of the righteous, that the angels of destruction have no power over them; and the same mark in blood upon the foreheads of the wicked, that the angels of destruction may have power over them." The Party of Prosecution pleaded before Him in these terms: "Lord of the Universe, what is the difference between the two?" He answered: "Those are perfectly righteous and these completely wicked." Again the Party of Prosecution pleaded: "Lord of the Universe! It was in their power to protest (against wickedness), and they did not." And the Lord answered: "It is known to me that, had they protested, their protest would have been of no avail." But they pleaded once more: "Lord of the Universe! It is known to Thee; but was it known to them?" And thus it is written: "Slay utterly

old and young, both maids, little children, and women, and at my sanctuary shall ye begin." Then they began with the old men who were before the house" [Ezek. ix. 6]. And R. Joseph taught: "Do not read 'my sanctuary,' but 'my sanctified,' which means the men who have performed all the laws prescribed in the Torah, which begins with all the letters of the alphabet. And it is also written [ibid., ibid. 2]: "And behold, six men came from the direction of the upper gate . . . . beside the copper altar." Was, then, the copper altar at that time? Was it not hidden already in the time of Solomon? It means that the Holy One, blessed be He, told them they shall begin from that place where they used to sing hymns before Him. And who are the six men (messengers)? Said R. Hisda: "Anger, wrath, rage, destruction, devastation, and ruin."

Why just the letter Tabh? Said R. Simeon b. Lakish: "The Tabh is the last letter on the seal of the Holy One, blessed be He; for R. Hanina said (the inscription on) the seal of the Holy One, blessed be He, is Emeth (truth) (and the last letter of the Hebrew word Emeth is a Tabh).

It being evident from the verse [Ezek. ix. 2] that Zechuth Aboth * no longer existed, at what time shall we assume that it ceased?

Said Rabh: From the time of the prophet Hosea b. Beëri, as it is written [Hosea, ii. 12]: "And no man will deliver her out of my hand," meaning that even the righteousness of the ancestors will be of no avail.

Samuel said: From the time of the King Chazael of Syria, as it is written [II Kings, xiii. 23]: "And the Lord became gracious unto them, and had mercy on them, and turned his regard unto them, because of his covenant with Abraham, Isaac, and Jacob, and would not destroy them, and he cast them not off from his presence until now." Thus, He will remember his covenant only "until now," but not after that.

R. Jehoshua b. Levi said: From the time of Elijah the prophet, as it is written [I Kings, xviii. 36: "Elijah the prophet came near and said, O Lord, God of Abraham, of Isaac, and of Israel, *this day* let it be known that thou art God in Israel,"

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* Zechuth Aboth is a term implying the benefits bestowed upon men in consideration of the virtues and righteousness of their ancestors, and is based upon the passage in the Bible: "Keeping kindness unto the thousandth generation," etc. [Ex. xxxiv. 7]; and also upon the verse Ex. xxxii. 13.

etc., and means to infer that only "this day" the Lord will remember Zechuth Aboth, and not after this day.

R. Johanan says: From the time of Hezekiah the King, as it is written [Isaiah, ix. 6]: "To establish it and to support it through justice and righteousness, from henceforth and unto eternity: the zeal of the Lord of Hosts will do this," implying that after that the favors of the Lord will not be bestowed by virtue of Zechuth Aboth, *but through* His zeal.

R. Ami said: Death is the result of sin, and affliction the result of transgression: death the result of sin, for it is written [Ezekiel, xviii. 20]: "The soul that sins, it shall die," etc.; affliction the result of transgression: for it is written [Psalms, lxxxix. 33]: "And I will visit their transgressions with a lash and their iniquity with stripes."

An objection was raised: One of the teachers said: The angels (once) said to the Holy One, blessed be He: "Lord of the Universe! Why didst Thou punish Adam with death?" The Lord answered: "Because I gave him a light commandment, and he failed to observe it." The angels again said unto Him: "Why did Moses and Aaron die? Did they not observe all the laws of the Torah?" And He answered [Eccl. ix. 2]: "The same fate befalls the righteous as the wicked." Hence death is not the result of sin! He (R. Ami) is in accordance with the Tana of the following Boraitha: R. Simeon b. Elazar said: Even the death of Moses and Aaron was the result of their sins, for it is written [Numb. xx. 12]: "Because you had no faith in me"; (and the inference thereof is) if they had had faith, they would not have died.

Another objection was raised: (There is a tradition:) Only four men died in consequence of original sign. They are Benjamin ben Jacob; Amram, the father of Moses; Jesse, the father of David; and Kilab ben David. Whose opinion does this Boraitha agree with? The Tana who related the legend of the angels holds that Moses and Aaron also died in consequence of original sin. So must be then in accordance with R. Simeon b. Elazar, as said above. Thus we see that although Moses and Aaron died on account of their own sins, still death without sin and affliction without transgression are possible; hence R. Ami's theory is objected to.

R. Samuel b. Nahmeni in the name of R. Jonathan said: "Whoever says that Reuben (the patriarch Jacob's son) sinned with his father's wife is in error, because it is written [Gen.

xxxv. 22]: "Now the sons of Jacob were twelve." This proves to us that they were all equal (in righteousness); but what does the verse [ibid., ibid.] which states that he *did* lie with Bilha, etc., signify? That Reuben deranged his father's bed, and the Scripture considers this equal to his having sinned with her. There is another Boraitha: Simeon b. Elazar said: That righteous man (Reuben) is innocent of the crime. The act with his father's wife was never consummated; as, is it possible that a man whose descendants will stand on the Mount Ebol and proclaim: "Cursed be he who lies with his father's wife" [Deut. xxvii. 20], would commit such a crime? But what does the above-cited verse mean? He (Reuben) resented the injustice done his mother and said: "When my mother's sister lived and proved a vexation to my mother, it was bearable; but to have my mother's servant prove a vexation to her, this is unbearable!" Therefore he removed the bed of Bilha from his father's bedroom (which the verse holds tantamount to lying with her). R. Samuel b. Nahmeni in the name of R. Jonathan said: He who maintains that the sons of Eli have sinned is nothing but in error, as it is written [I Samuel, i. 3]: ". . . two sons . . . priests of the Lord." (And if they would have sinned, the verse would not elevate them with such an honor.) [He holds with Rabh's theory farther on; however, he differs from him concerning 'Haphni, for the reason that he is mentioned together with Pinhas in the verse cited.]

Rabh said: Pinhas did not sin, as it is written: "And Ahiya, the son of Ahitub, Ichabad's brother, the son of Pinhas, son of Eli, was priest of the Lord at Shilah" [I Samuel, xiv. 3]. Is it possible that the Scriptures would describe minutely the pedigree of a sinner? Is it not written: "The Lord will cut off, unto the man that doeth this, son and grandson," etc. [Mal. ii. 12]. That was explained to mean, if he be simply an Israelite he shall have here no master among the teachers and no scholar among disciples, and if he is a descendant of priests, he shall have no son who may bring the offering. From this we must conclude that Pinhas is innocent of guilt. Is it not written, however, "sons of Belial" (and thus Pinhas is included)? It was because he should have protested against it, and did not, the Scripture considers it as if he had also sinned.

The same said again: He who thinks the sons of Samuel sinned, is also in error. It is written: "And they did not walk in his ways" [I Sam. viii. 3]. True, they did not walk in His

ways, but they sinned not. How, then, is the passage to be upheld: "And they but turned aside after lucre and took bribes"? [ibid., ibid.]. They did not act as their father; for Samuel the righteous travelled through all Israel and dispensed justice in every city, as it is written: "And he went from year to year in circuit to Beth-El and Gilgal and Mizpah, and judged Israel" [ibid. vii. 6]; but they did not act in this way. They dwelt in their respective places in order to increase the fees of their messengers and scribes.

On this point the following Tanaim differ. R. Meir says: They (who were Levites themselves) claimed their priestly allowance personally (and thereby deprived the poor priests and Levites of their shares, for being also judges they were never refused). R. Jehudah says: They had commercial relations with private people (and were sometimes compelled to pervert justice). R. Aqiba says: They took tithes (to a greater extent than they were allowed to do) by force. R. Jossi says: They took by force the (priests') portions (shoulder-blades, jowls, and stomachs of a slaughtered animal).

He said again: "The same error is made concerning David." Said Rabh: Rabbi, who is a descendant of the house of David, endeavored to interpret favorably the passage: "Wherefore hast thou despised the word of the Lord *to do* what is evil in his eyes?" [II Samuel, xii. 9]. He said: This evil deed is different (in words and language from other evil deeds whereof mention is made in the Scriptures). In all other instances it says, "and *he has* done," but here it says, "*to do*." This implies that he "wanted to do" (but did not do). "Uriah the Hittite thou hast slain with the sword" [ibid., ibid.]. (As a rebel) he should have had him *tried* by the Sanhedrin, which he did not. "And his wife thou hast taken to thee for a wife." He had a right to her, for R. Samuel b. Nahmeni in the name of R. Jonathan said: Whoever went to war with David divorced his wife previously. "Him thou hast slain with the sword (used) for the children of Amon." As he will not be punished on account of the children of Amon, so will he also not be punished for the death of Uriah. What is the reason? He (Uriah) was a rebel.

Said Rabh: "Note well the life of David, and you find nothing blamable save the affair of Uriah, as it is written [I Kings, xv. 5]: "Save only in the matter of Uriah the Hittite."

Abayi the elder has contradicted the above statement of

Rabh from his own statement elsewhere that David accepted slander? This difficulty remains. What was it? That which is written [II Samuel, ix. 4]: "And the king said unto him, Where is he? And Ziba said unto the king, Behold, he is in the house of Machir, the son of 'Ammiël, in (*b'*) Lo-debar"; farther on it is written [ibid. 5]: "And David the king sent, and had him taken out of the house of Machir, the son of 'Ammiël, from (*m'*) Lo-debar." * Thus, when David found him "doing something (good)," whereas Ziba informed the King that he was "doing nothing (good)," hence David was convinced that Ziba was a liar; why, then, did David give heed to his slander afterwards, for it is written [ibid. xvi. 3]: "And the king said, And where is thy master's son? And Ziba said unto the king, Behold, he remaineth at Jerusalem; for he said, To-day will the house of Israel restore unto me the kingdom of my father." But whence the adduction that David accepted slander? From what is written further [ibid. 4]: "Then said the king to Ziba, Behold, thine shall be all that pertaineth to Mephibosheth. And Ziba said," etc.

Samuel said: David did not accept slander. He (himself) saw in Mephibosheth's conduct that which corroborated Ziba's calumny, as it is written [ibid. xix. 25]: "And Mephibosheth the (grand-)son of Saul came down to meet the king, and he had not dressed his feet, nor trimmed his beard, nor washed his clothes." (This was considered disrespect); further, it is written [ibid. 28]: "And he slandered thy servant unto my lord the king," etc.; and further [ibid. 31]: "And Mephibosheth said unto the king, Yea, let him take the whole, since that my lord the king is come (back) in peace unto his own house." Now, this last verse (read between the lines) really means: "I have anticipated your safe arrival home with anxiety, and since you act toward me in such a manner, I have nothing to complain of to you but to Him who brought you safely back."

R. Jehudah in the name of Rabh said: "Had David not given heed to slander, the kingdom of the house of David would never have been divided, neither would Israel have worshipped idols, nor would we have been exiled from our land."

The same rabbi said: He who believes Solomon guilty of

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* The literal translation of the Hebrew word Blo-debar is: he does nothing (good); of Mlo-debar: he is very busy (doing something good). Upon the difference in the two literal meanings of the two words Rabh bases the untruth of Ziba's statement.

idolatry is in error. This theory agrees with R. Nathan, who points to a contradiction between the two following passages in the very same verse [I Kings, xi. 4]: "And it came to pass, at the time when Solomon was old, that his wives turned away his heart," etc.; and farther on [ibid., ibid.] it says: "Like the heart of David his father." While his heart was not as perfect as that of his father David, still he did not sin. Therefore it must be said that it means, his wives turned away his heart toward idolatry, but still he did not practise it. This is supported by the following Boraitha: R. Jossi said: It is written [II Kings, iii. 13]: "And the high places that were before Jerusalem, which were to the right of the mount of destruction, which Solomon the King of Israel had built for Ashthoreth, the abomination of the Zidonians," etc. Is it possible that neither Assa nor Jehosophath had cleared them out before Josiah? Did not Assa and Jehosophath abolish idolatry in Judea? It follows, then, that as Josiah is given credit by the verse in the Scripture for having abolished the worship of Ashthoreth, the abomination of the Zidonians, although at his time it had been out of existence for a long time, this was done merely because he (Josiah) had abolished other later forms of idolatry; the same rule is followed in the case of Solomon; while he himself did not build the Ashthoreth of the Zidonians, the fact that he did not prevent his wives from doing so makes him responsible in the same measure as if he had committed the deed himself. But is it not written [I Kings, xi. 6]: "And Solomon did what is evil in the eyes of the Lord"? This is also written merely because it was in his power to prevent the actions of his wives, and he did not do so; hence the Scripture ascribes the deed to him, as if he himself had committed it.

Said R. Jehudah in the name of Samuel: It would have been better for him (Solomon) to have been an actual hireling to idolatry than to be accused of doing what is evil in the eyes of the Lord.

Again R. Jehudah said in Samuel's name: At the time Solomon took in wedlock the daughter of Pharaoh, she brought to him about a thousand different musical instruments. Each of these was used for separate idols, which she named to him, and still he did not protest against it.

The same said again in the name of the same authority: At the time Solomon took in wedlock Pharaoh's daughter (the angel) Gabriel came down and planted a cane in the sea; on the

sand that accumulated around the cane a great city was afterward built; but in a Boraitha we were taught that the miracle occurred on the day that Jeroboam introduced the two golden calves, one each in Beth-El and Dan, and that great city was Italia of Greece.*

R. Samuel said: Whoever says Josiah sinned is also in error. It is written [II Kings, xxii. 2]: "And he did what was right in the eyes of the Lord and walked in the ways of David his father and turned not aside to the right or to the left." Is this not contradictory to the verse [II Kings, xxiii. 25], "that returned to the Lord with all his heart." How is the "returned" to be understood? He must have sinned in order to return? Nay; from this it must be inferred that after Josiah attained the age of eighteen, he refunded from his private purse all amounts paid by such as he had declared guilty (bound to pay) from the time he was eight years old (when he became king). This is the interpretation of "returned to the Lord."

However, this differs from Rabh's following statement: "None is greater among penitents than Josiah in his time and one in our own time. And who is *he?* Aba, the father of Jeremiah b. Aba. Others say Aha, the brother of Aba, father of Jeremiah b. Aba, for the aforesaid teacher said Aba and Aha were brothers. Said R. Joseph: There is yet another in our own time, and he is Ukban b. Ne'hemiah, the Exilarch.† "Once while studying," said R. Joseph, "I dozed off and saw in a dream an angel stretching out his hands and accepting his (Ukban's) repentance."

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* Rashi added to this that the Romans took away this city from the Greeks, and therefore the Roman kingdom is called Italy; we, however, deem it an error, as we have found that such a city is in Greece.

† The text states: "And that is Nathan of Zuzitha"; and Rashi tried to explain the word Zuzitha "with sparks," or because the angel took him by the Zizith (locks) of his head. We have omitted this because it is proved by Abraham Krochmal in his "Remarks to the Talmud," article "The Chain of the Exilarch," that Ne'hemiah the Exilarch and Nathan the Exilarch were of two different times, many generations apart. (See there.)

CHAPTER VI.

REGULATIONS CONCERNING WHAT GARMENTS (SERVING AS ORNAMENTS) WOMEN MAY GO OUT WITH ON THE SABBATH.

MISHNA *I.*: In what (ornamental) apparel may a woman go out, and in what may she not go out? A woman is not allowed to go out (even in private ground) either with woollen or linen bands or with straps on her head to keep her hair in tresses (as a precaution lest she enter public ground and take off the bands to show to her friends, thereby becoming guilty of carrying movable property for a distance of four ells or more). Nor is she to bathe herself with the bands on unless loosened. Nor is she to go out with either Totaphoth or Sarbitin on, unless they are fastened;* nor with a hood in public ground, nor with gold ornaments, nor with nose-rings, nor with finger-rings that have no seal, nor with pins. But if she did go out with these things, she is not bound to bring a sin-offering (as they are ornaments and not burdens).

GEMARA: "*Bathing.*" Where is bathing referred to (and what has it to do with the Sabbath)? Said R. Na'hman b. Itz'hak in the name of Rabba b. Abuhu: The Mishna means to say: What is the reason that a woman is not allowed to go out with either woollen or linen bands? Because the sages have decided that she is not to bathe herself with them on, even on week days, unless loosened; therefore she shall not (go out with them on) on the Sabbath at all, lest it happen that she become in duty bound to bathe herself,† and, while untying her hair, be forced to carry the bands in public ground for a distance of four ells or more.

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* In the Mishna the Hebrew word for "fastened" is "Tephurim," literally meaning "sewed" or "embroidered"; *i.e.*, the Totaphoth and Sarbitin as worn by the wealthy were ornaments made of gold or silver with inscriptions engraved on them, but the poor made them of various colored materials (as explained in the Gemara farther on) and embroidered the inscriptions on them. The prohibition of the Mishna therefore refers only to the wearing of such ornaments before the inscriptions were either engraved or embroidered on them. Such is our explanation in our "History of Amulets," pp. 11–15.

† After menstruation. See Leviticus, xv.

R. Kahana questioned Rabh: "What about a hair-net?" Answered Rabh: "You mean to say a woven one? Everything woven has not been restricted." This was also taught in the name of R. Huna b. R. Joshua. According to others the same said: "I have seen that my sisters were not particular to take it off while bathing." And the difference between the two versions is when it was dirty; according to the first version, it does not matter, as everything woven was not restricted; and the second version, where particularity is the case, if they were dirty, they would certainly be particular to take them off.

An objection was raised from Mishna [Miqvaoth, IX. 8]: "When a person bathes, the following objects cause 'intervention' (Chatzitzah): Woollen and linen bands and headstraps (used by maidens)." R. Jehudah says woollen and hair bands do not cause "intervention," because water soaks through them. (Now we see that although woollen and linen bands are woven, yet they *are* an intervention.) Said R. Huna: "All this concerns only maidens." (And they are an intervention only because they are particular about it.)

R. Joseph in the name of R. Jehudah said that Samuel said that the Halakha prevails according to R. Jehudah in the case of hair bands only. Said Abayi: From the expression "the Halakha prevails" we must infer that there is a controversy between R. Jehudah and the Tana of the above Boraitha. (The Tana said nothing about hair bands.) Shall we assume that because R. Jehudah declares hair bands not to be objects of "intervention," he must have heard the previous Tana mention them? Even if such be the case, it is not probable that R. Jehudah heard that the Tana agrees with him on that point, and hence he says: "If he agrees with me on this point, why not in the other instances also?" Said R. Na'hman in the name of Samuel: Read, The sages agree with R. Jehudah with respect to hair bands.

This is supported by a Boraitha. Woollen bands cause intervention, but hair bands do not. R. Jehudah, however, said: "Neither of them causes intervention."

Said R. Na'hman b. Itz'hak: It seems to be so from the expression of our Mishna: "A woman may go out with hair bands, be they her own or her friends'." Whose opinion does this Mishna represent? Can we say R. Jehudah's? He permits even woollen bands. We must say it is in accordance with the above rabbis; hence they do not differ as regards hair bands.

"*Nor with Totaphoth.*" What are "Totaphoth"? Said R. Joseph: "A balm bandage for sanitary use (*Humrate diqetiphta*)." *

Said Abayi to him: "Then let it be permitted as an amulet made by a reliable expert." (During Abayi's time this difficulty was not solved.) R. Jehudah, however, in the name of Abayi said: † "It is an Absayim" (a gold ornament). This is supported in the following Boraitha: "A woman may go out with a gilded hair-net, and Totaphoth or Sarbitin when fastened to the hair-net." What are Totaphoth and what Sarbitin? Said R. Abuhu: "The former are bands that reach from ear to ear, and the latter bands that reach from temple to temple." R. Huna said: "The poor make them of all kinds of colored material, and the rich make them of gold or silver."

"*Nor with a hood.*" Said R. Yanai: "I cannot understand what kind of a hood the Mishna means; is it a slave's hood that it prohibits and permits a woollen hood, or does it prohibit woollen hoods and so much more slaves' hoods? Said R. Abuhu: It seems that a woollen hood is meant. And so we have learned plainly in the following Boraitha: "A woman may go out with a hood and head ornament in her yard." R. Simeon b. Elazar says: With a hood even in a public ground. "It is a rule," said he, "that anything below the 'Shebha'ha' (hair-net) is permitted to be worn, but anything above it is not. Samuel, however, said the Mishna alludes to the slave's hood.

Did, indeed, Samuel say so? Did he not say the slave may go out with the mark (he wears) around his neck, but not with the mark on his clothes? This presents no difficulty. The former applies to the mark made for him by his master (in which case there is no fear of the slave removing and carrying it), while the latter applies to the mark made by himself. What meaning do you attach to Samuel's statement? If he permits the wearing of the mark on the slave's neck because the master made it and the slave will fear to remove it, could not the master also make the mark on the slave's clothes? Yea, but the slave might lose the mark, and for fear of his master he will fold up his coat and carry it on his shoulders (in public ground). And according to R. Itz'hak b. Joseph it is prohibited. This is also

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* For the explanation of *Humrate diqetiphta* see our "History of Amulets," p. 14.

† This R. Jehudah is probaby R. Jehudah of Diphta, for the R. Jehudah generally cited died on the day of Abayi's birth. See our "History of Amulets," etc.

supported by a Boraitha, which teaches us distinctly that the slave may go out with the mark on his neck, but not on his clothes. In like manner Samuel once said to R. Hanina b. Shila: "None of the rabbis that call on the Exilarch should go out with their insignia on their clothes (on the Sabath) save you. He would not be angry with you were you to go to him without them (hence, not being a necessary burden, you may wear them or not, as you choose)."

The master said: "Not with a bell," etc. Why not? Lest it break off and one may carry it. Then why should the same not be feared in regard to a bell attached to his clothes? Here a bell is treated of that was made by an expert and was woven right in with the cloth. This is also in accord with what R. Huna b. R. Joshua said: "Everything that is woven they did not restrict."

"*Nor with a golden ornament.*" What was this golden ornament? Said Rabba b. b. Hana in the name of R. Johanan: "A golden (ornament with an engraving of the city of) Jerusalem on it," such as R. Aqiba made for his wife.

The rabbis taught: A woman shall not go out wearing a golden ornament; but if she did so, she becomes liable to bring a sin-offering. So is the decree of R. Meir, but the sages say: She must not go out wearing it; if she did, however, she is not culpable. But R. Eliezer said: A woman may go out wearing a golden ornament to commence with. Wherein do they differ? R. Meir holds it to be a burden, and the rabbis hold it to be an ornament; then why should she not wear it to commence with? Lest she take it off to show it to her friends and thus happen to carry it; but R. Eliezer reasons differently. Who generally go out with such valuable golden ornaments? Prominent women; and prominent women will not remove them for the purpose of exhibiting them to friends.

Rabh prohibits the wearing of a crown-shaped ornament, and Samuel permits it. Both agree that the wearing of a crown-shaped ornament is permissible, as there is no fear that the woman will remove it; where they do differ, however, is as to a golden and jewelled ornament. The former holds that there is fear of her removing it in order to exhibit it, and thus probably happen to carry it, while the latter contends that as only prominent women wear such costly ornaments no fear need be entertained on that score.

Said R. Samuel b. b. Hana to R. Joseph: You distinctly

told us in the name of Rabh that an ornament in the shape of a crown may be worn.*

Levi † lectured in Neherdai that a crown-shaped ornament may be worn; whereupon twenty-four women in Neherdai went out with crown-shaped ornaments on.

Rabba b. Abuhu lectured the same in Mehutza, and eighteen women went out of one alley wearing those ornaments.

R. Jehudah in the name of Samuel said: "A belt may be worn." Some one said a leather belt (even if jewelled). Said R. Saphra: "Why! Even a golden belt jewelled, for is it not equal to a golden garment?" Said Rabhina to R. Ashi: "How is it with a belt worn over a sash?" Answered R. Ashi: "By this you mean two belts" (and this is prohibited). R. Ashi, however, said: "A sash may be worn only when it is securely fastened, but not otherwise."

"*Nor with a nose-ring.*" What is a nose-ring? It is a nose-band.

"*Nor with finger-rings,*" etc.; but if the ring have a seal it is prohibited, as it is not an ornament. Is this not contradicted from Kelim, XI. 8? The following ornaments of women are subject to defilement: Chains, nose-rings, rings, finger-rings either with or without a seal, and nose-bands. Said R. Na'hman b. Itz'hak: "You quote a contradiction in the laws of defilement as against the laws of Sabbath. As for defilement, the Torah requires an utensil [Numbers, xxxi. 20], and such it is; but as for Sabbath, it refers to a burden; hence a ring without a seal is an ornament, with a seal it is a burden (for women)."

"*Nor with a pin.*" For what purpose can a pin be used? R. Ada from Narsha explained it before R. Joseph: Women part their hair with it. Of what use is it on Sabbath? Said Rabha: On week days they wear a golden plate on their heads; the pin is used for parting the hair and holding down the plate; but on Sabbath the pin is put against the forehead.

MISHNA *II.*: One is not to go out with iron-riveted sandals, nor with one (iron-riveted shoe) unless he has a sore on his foot, nor with phylacteries, nor yet with an amulet unless made by a reliable expert, nor with a shield, helmet, or armor for the

* R. Joseph passed through a severe illness and at times forgot his own teachings; hence it sometimes occurred that he was reminded of them by his disciples.

† Here is omitted the legend about Levi, as the proper place for it is in Kethuboth, 103*b*, and it will be translated there.

legs; but if he has gone out (with either of these) he is not liable for a sin-offering.

GEMARA: "*Iron-riveted sandal.*" What is the reason of its being prohibited? Said Samuel: "It happened toward the close of the persecutions (of the Jews) that a party of men hid themselves in a cave with the understanding that after once entering no one was to go out. Suddenly they heard a voice on the outside of the cave, and thinking the enemies were upon them, they began crowding each other into the farthest recesses of the cave. During the panic that ensued more men were trampled to death by the iron-riveted sandals worn by the party than the enemies would have killed. At that time it was enacted that a man must not go out (on Sabbath) with iron-riveted sandals." If this be the reason, let it also be prohibited on week days? Because it occurred on a Sabbath! Then let it be allowed on a festival; why then is it stated that on a festival *it* must not be sent (Betzah, 26, Mishna)? And furthermore, why is it forbidden on Sabbath? Because the people usually assemble on that day; and the same is the case with a festival. But do they not assemble on a congregational fast—why then should it not be prohibited also then? When the above-mentioned happened it was a prohibited assembly, but all these assemblies are permitted. And even according to R. Hanina b. Aqiba, who said concerning defilement that this prohibition is only in the Jordan in a boat, as the case happened, it is because the Jordan is different in width and depth from other rivers; but Sabbath and a festival are alike as regards labor.

Said R. Jehudah in the name of Samuel: This (the prohibition of the sandals in question) is only with regard to such as are riveted for the sake of durability, but not with regard to such as are riveted for the sake of decoration. How many (rivets are considered to be for the latter purpose)? R. Johanan said five in each. R. Hanina said seven in each. Said R. Johanan to R. Samon b. Aba: "I will explain to you the difference between my opinion and that of R. Hanina. I mean two rivets on each side of the sandal and one in the centre, while he means three on each side and one in the centre. The Gemara declared that R. Hanina is in accordance with R. Nathan, who permits seven; and R. Johanan is in accordance with R. Nohorai, who permits only five. And Aipha said to Rabba b. b. Hana: "Ye who are the disciples of R. Johanan may act according to him; we, however, are acting in accordance with R.

Hanina." R. Huna questioned R. Ashi: "How is the law if there were five?" And he said: "Even seven is permitted." "And how is it if there were nine?" And he rejoined: "Even eight is prohibited. A certain shoemaker asked of R. Ami: "How is it if the sandal is sewed from the inside?" He answered: "I have heard that it is permitted, but I can give you no reason." Said R. Ashi: "Does master not know the reason? Being sewed from the inside, it is no longer a sandal but a shoe; and the rabbis' precaution was against the riveted sandal, but not in regard to shoes."

There is a Boraitha: One must not go out with an iron-riveted sandal and shall not walk in them from one room to another, not even from one bed to another (in the same room); but it may be handled to cover vessels with or to support one of the bed-stands with. R. Elazar b. Simeon prohibits even this, unless the majority of rivets fell out and but four or five remain. Rabbi limits the permission to seven (rivets). If the soles are made of leather and the uppers are riveted, it is permitted. If the rivets are made like hooks, or are flat-headed, or pointed, or pierce through the sandal to protect the sole, it is permitted.

R. Massna, others say R. Ahadboy b. Massna in the name of R. Massna, said: "The Halakha does not prevail in accordance with Elazar b. Simeon." Is this not self-evident? When one individual opinion conflicts with a majority, the opinion of the majority prevails. Lest one suppose that, because R. Elazar b. Simeon gave a reason for his statement, should it be accepted, he comes to teach us that it is not so.

Said R. Hyya: "Were I not called a Babylonian, who permits what is prohibited, I would permit considerably more. How *many?* In Pumbeditha they say twenty-four, and in Sura they say twenty-two." Said R. Na'hman b. Itz'hak: "It seems by your remark that on the road from Pumbeditha to Sura you lost two."

"*Nor with one,*" etc. But if his foot is sore he may go out. On which foot may he wear the shoe? On the foot that is sore (for protection).

The rabbis taught: When one puts on his shoes he should commence with the right shoe; when he takes them off he should commence with the left. When one bathes he should wash the right side first; when he anoints himself he should anoint the right side first, and whoever anoints the whole body

should commence with the head, for the head is the king of all the members (of the body).

"*Nor with phylacteries;*" but if he went out with them on, he is not liable for a sin-offering. Said R. Saphra: This is not only in accordance with him who holds Sabbath is a day for (wearing) phylacteries, but it is even in accordance with him who holds that it is not. What is the reason? Because phylacteries are put on in the same manner as a garment.

"*And not with an amulet,*" etc. Said R. Papa: "Do not presume that both the maker and the amulet must be reliable; it is sufficient if the maker only is reliable." So it seems to be from the statement in the Mishna: "And not with an amulet that was not made by a reliable expert." It does not say with a reliable amulet.

The rabbis taught: Which are to be considered such? If they have cured three times, no matter whether they contained inscriptions (of mystic forms) or (certain) medicaments. If the amulet is for a sickness, be it serious or not, or if it is for one afflicted with epilepsy, or only serves as a preventive, one may fasten or unfasten it even in public ground, provided he does not fasten the amulet to a bracelet or a finger-ring, to go out with it in public ground, lest those who see it think that it is being worn as an ornament. Did not a Boraitha state that only such amulets as cured three different parties are reliable? This presents no difficulty. Here we are taught as to the reliability of the expert who made the amulet, while in the latter Boraitha we are taught as to the reliability of the amulet itself.

Said R. Papa: It is certain to me that where three different amulets were given to three different (human) sufferers at three different times (and a cure was effected), both the amulets and the expert who made them are reliable. Where three different amulets were given to three different sufferers only once, the expert is reliable, but not the amulets. Where one and the same amulet was given to three different sufferers, the amulet is reliable, but not the expert; but how is it with three different amulets given to *one* man for three different diseases? Certainly, the amulets are not reliable (for each cured only once), but how is it with the expert? Should he be considered reliable or not? If we say that the expert cured him, perhaps it was only the fate of the sufferer that he should be cured by a script? This question remains.

The schoolmen propounded a question: Is there any sanc-

tity in an amulet or not? For what purpose are we to know this? In order to enter a privy; if there is any sanctity in the amulet this would not be allowed, otherwise it would.

Come and hear. We have learned in a Mishna: "Not with an amulet unless made by a reliable expert." From this we see that if made by a reliable expert one may go out with it. Now, if we say that there is sanctity in the amulet, how can we say that one may go out with it? Perhaps he shall be compelled to enter a privy, he will have to take it off, and thus be forced to carry it four ells or more in public ground.

MISHNA *III.*: A woman shall not go out with an ornamental needle (with a hole in), nor with a ring that has a seal, nor with a Kulear, nor with a Kabeleth, nor with a perfume bottle. And if she does, she is liable for a sin-offering. Such is the opinion of R. Meir. The sages, however, freed her in the case of the two latter.

GEMARA: Said Ulla: "With men it is (concerning a finger-ring) just the reverse." That is to say, Ulla is of the opinion that what is right for women is not right for men, and what is right for men is not right for women. Said R. Joseph: "Ulla is of the opinion that women form a class of their own." Rabha, however, says it often happens that a man gives his wife a ring with a seal on, to put away in a box, and she puts it on her finger until she comes to the box; again, it happens that a wife gives her husband a ring without a seal for the purpose of having him give it to a jeweller to repair, and until he comes to the jeweller he puts it on his finger. Thus it happens that a woman may wear a man's ring and a man a woman's (temporarily).

What is Kabeleth? Cachous (for purifying the breath). The rabbis taught: A woman must not go out with Kabeleth, and if she did so she is liable for a sin-offering. This is the opinion of R. Meir, but the sages say she should not go out with it, yet if she does she is not liable. R. Eliezer, however, says she may go out with it to commence with. Wherein do they differ? R. Meir holds that it is a burden, the sages that it is an ornament; and the reason that she should not go out with it is lest she take it off to show to her friends, and thus perchance carry it in her hand. R. Eliezer, however, permits it to be carried to commence with, because, said he, who generally carry such? Women whose breath emits a bad odor, and surely they will not take them off to show them, hence there is no apprehension that they will carry them four ells or more on public ground.

There is a Boraitha: "A woman must not go out with a key in her hand, nor with a box of cachous, nor with a perfume bottle; and if she goes out with them, she is liable for a sin-offering." So is the decree of R. Meir, but R. Eliezer freed her, provided the box *contains* cachous, and the bottle perfume; but if they are empty, she is liable (for then there is a burden). Said R. Ada b. Ahaba: "From this we may infer that one carrying less than the prescribed quantity of food in a vessel on public ground is culpable, as it states if there was no cachou or perfume, which is equal to a vessel containing less than the prescribed amount of food, she is liable. Hence it makes her liable even if less than the prescribed quantity. Said R. Ashi: Generally one may be freed, but here it is different; the box and the bottle themselves are considered a burden.

We read in the Scripture [Amos, vi. 6]: "And anoint themselves with the costliest of ointments." Said R. Jehudah in the name of Samuel: "This signifies perfumery."

R. Joseph objected: "R. Jehudah b. Baba said that after the destruction of the Temple at Jerusalem the sages prohibited even the use of perfumes, but the rabbis did not concur in the decree. If we say perfume used only for pleasure, why did not the rabbis concur?" Abayi answered: According to your mode of reasoning, even drinking wine from bowls (bocals) is prohibited, for it is written further [ibid., ibid.]: "Those that drink wine from bowls." R. Ami said, *that* certainly means bocals, but R. Assi claimed that it means they clinked glasses one with another. Still Rabba b. R. Huna once happened to be at the house of the Exilarch and drank wine out of a bocal, but was not rebuked. It is, therefore, thus to be understood: The rabbis restricted only such pleasures as were combined with rejoicing, but not pleasures unaccompanied with rejoicing.

Said R. Abuhu: Others say we were taught in a Boraitha: "Three things bring man to poverty: Urinating in front of one's bed when naked; carelessness in washing one's hands; and permitting one's wife to curse him in his presence." Said Rabha: "Urinating in front of one's bed should be understood to signify 'turning around so as to face the bed and then urinating,' but not turning in the opposite direction; and even when facing the bed it signifies only 'urinating on the *floor* in front of the bed and not in a urinal.'" Carelessness in washing one's hand signifies "not washing one's hands at all," but not insufficient washing, for R. Hisda said: "I washed my hands well

and plentifully and am plentifully rewarded." Permitting one's wife to curse him in his presence implies " for not bringing her jewelry," and *then* only when one is able to do so but does not.

Rahava said in the name of R. Jehudah: The trees of Jerusalem were cinnamon trees, and when used for fuel the odor extended over all the land of Israel; ever since the destruction of the second Temple the cinnamon trees disappeared; but a morsel as big as a barleycorn is still to be found in the treasury of the Kingdom of Zimzimai.

MISHNA *IV.*: One must not go out with a sword, nor with a bow, nor with a triangular shield, nor with a round one, nor with a spear; if he does so he is liable for a sin-offering. R. Eliezer says they are ornaments to him, but the sages say they are nothing but a stigma, for it is written [Isaiah, ii. 4]: " They shall beat their swords into ploughshares and their spears into pruning-knives; nation shall not lift up sword against nation, neither shall they learn war any more." Knee-buckles are clean and one may go out with them on the Sabbath. Stride chains are subject to defilement, and one must not go out with them on the Sabbath.

GEMARA: " *R. Eliezer says they are ornaments.*" There is a Boraitha: The sages said unto R. Eliezer: If the weapons are ornaments to man, why will they cease to exist in the post-messianic period? He answered: " They will exist then also." This is in accordance with the opinion of Samuel, who said there will be no difference between the present time and the post-messianic period save the obedience to temporal potentates, for it is written [Deut. xv. 11]: " For the needy will not cease out of the land."

Said Abayi, according to others R. Joseph, to R. Dimi or to R. Ivia, and according to still others, Abayi said directly to R. Joseph: What is the reason of R. Eliezer's theory regarding weapons? It is written [Psalms, xlv. 4]: " Gird thy sword upon thy thighs, O Most Mighty, with thy glory and thy majesty."

Said R. Kahana to Mar, the son of R. Huna: Is not this passage applied to the study of the Law (Torah)? And he answered: " Anything may be inferred from a passage; at the same time, the passage must not be deprived of its common sense." Said R. Kahana: " I am fourscore years old and have studied the six sections of the Mishna with their explanations through, and did not know until now that a scriptural passage

has first to be interpreted in its plainest form!" What information does he mean to convey to *us* by this assertion? That man has to study the Law through first, and then reason upon it.

R. Jeremiah in the name of R. Elazar said: Two scholars who debate in the Law (not for controversy's sake), the Holy One, blessed be He, causes them to prosper; moreover, they become exalted, for it is written [Psalms, xlv. 5], "be prosperous." But lest one say that this would be the case even if they (debate), not for the purpose (of studying the Law), therefore it says further [ibid., ibid.], "because of truth." Again, one might say that the same would be the case even if one became arrogant and conceited. Therefore it says further [ibid., ibid.], "and meekness and righteousness." And if they act humbly they will be rewarded with (the knowledge of) the Law, which was given with the right hand (of God), as it is further written [ibid.], "and thy right hand shall teach thee fearful things."

R. Na'hman b. Itz'hak says they will be rewarded with the knowledge of what is said of the right hand of the Law, for Rabha b. R. Shila, according to others R. Joseph b. Hama in the name of R. Shesheth, said: How is to be explained the passage [Proverbs, iii. 16]: "Length of days is in her right hand; and in her left riches and honor"? Shall one say that in the right hand is only length of days, but not riches and honor? Common sense does not dictate so; therefore it must be interpreted thus: For those who study the Torah in the right way there is long life, and so much the more riches and honor; but for those who study it *not* in the right way, riches and honor there may be, but not long life.

Said R. Jeremiah in the name of R. Simeon b. Lakish: Two scholars who quietly discourse on the Torah among themselves, the Holy One, blessed be He, hearkens unto them and listens to their desires, for it is written [Malachi, iii. 16]: "Then conversed they that fear the Lord one with the other," etc. Conversed means conversed quietly, as it is written [in Psalms, xlvii. 4]: "He will subdue (quiet) people under us." (Subdue and converse are expressed by the same terms in the two passages, hence the similitude.*) What is meant by the words "that thought upon His name"? Said R. Ami: "Even when

* The words *conversed* and *subdue* in the two passages are expressed in Hebrew by "Nidberu" and "Yadber." Both are derived from the root Dibur = to speak quietly.

one intended to observe a commandment, but was accidentally prevented and could not accomplish it, it is credited to him as if he had actually observed it." Thus the passage "thought upon His name" is interpreted.

Said R. Hanina b. Ide: Whosoever observes a commandment as prescribed, will not be the recipient of bad tidings, for it is written [Eccl. viii. 5]: "Whoso keepeth the commandment will experience no evil thing." R. Assi, others say R. Hanina, said: "Even if the Holy One, blessed be He, has so decreed it (that he shall experience evil things) the decree is annulled through the prayers of this man, as it is written [ibid. 4]: "Because the word of a king is powerful, and who may say unto him, what doest thou?' and this immediately followed by the passage: 'Whoso keepeth the commandment will experience no evil thing.'"

R. Aba in the name of R. Simeon b. Lakish said: Two scholars who mutually instruct themselves in the Law, the Holy One, blessed be He, hearkens to their voices, for it is written [Song of Solomon, viii. 13]: "Thou that dwellest in the gardens, the companions listen for thy voice; oh, let me hear it"; but if they do not do so, they cause the Shekhina to move away from Israel, for further it is written [ibid. 14]: "Flee away, my beloved," etc.

The same in the name of the same authority said: The Holy One, blessed be He, *loves* two scholars who combine to study the Law, for it is written [Solomon's Song, ii. 4]: "And his banner over me was love." Said Rabha: Provided they know something of Law, but have no instructor to teach them at the place where they reside."

The same said again: "The man who lends his money is more deserving than the charitable man, and the most deserving of all is he who gives charity surreptitiously or invests money in partnership (with the poor)." Furthermore he said: "If thy teacher is jealous (for thy welfare) and as spiteful as a serpent (if thou neglect thy studies), carry him on thy shoulders (because from him thou wilt learn), and if an ignoramus plays the pious, do not live in his neighborhood."

R. Kahana, according to others R. Assi, and according to still others R. Abba in the name of R. Simeon b. Lakish, said: "Whoso raises a vicious dog in his house prevents charity to proceed therefrom (for the poor are afraid to go in), as it is written [Job, vi. 14]: "As though I were one who refuseth kind-

ness to a friend." ("As though *I* were one who refuseth" is expressed in Hebrew by one word, viz., lamos; in Greek λαμος means dog,* and hence R. Simeon's inference.) Said R. Na'hman: "He even forsaketh the fear of the Lord," for it is written at the end of the verse [ibid., ibid.]: "And forsaketh the fear of the Lord."

Once a woman went into a certain house to bake, and a dog, through barking at her, caused her to have a miscarriage. Said the landlord of the house "Fear him not, I have deprived him of his teeth and claws"; but the woman answered: "Throw thy favors to the dogs, the child is already gone!"

Said R. Huna: It is written [Eccl. xi. 9]: "Rejoice, oh young man, in thy childhood, and let thy heart cheer thee in the days of thy youthful vigor, and walk firmly in the ways of thy heart and in the direction in which thy eyes see; but know thou that concerning all these things God will bring thee into judgment." (Does not this passage contradict itself? Nay.) Up to the words "and know" are words of the misleader, and from there on are words of the good leader. Resh Lakish said up to "(and) know" the theoretical part of the law is meant, and from there on it speaks of good acts.

"*Knee-buckles are clean,*" etc. Said R. Jehudah: This (birith) means arm-bandages. To this R. Joseph objected: "We have learned that a birith is (virtually) clean, and one may go out with it on the Sabbath. If it is an arm-band, how can that be? The latter is subject to defilement." It means that the birith is worn on the same part of the leg as the arm-bandage on the arm.

Rabbin and R. Huna sat before R. Jeremiah, who slumbered, and Rabbin said: "A birith is worn on one of the thighs and kebalim on both shins." But R. Huna said both are worn on both shins, but the chain attached to the birith on both shins is called kebalim, and the chain makes them a perfect vessel. At this point of the argument R. Jeremiah awoke and said: "I thank you. Even so I heard R. Johanan say." When R. Dimi came to Neherdai, he sent to tell the sages: My former information in the name of R. Johanan that the Tzitz was a woven thing was an error, as so was said in his name. Whence the adduction that any ornament is subject to becoming defiled? From the Tzitz, the golden plate on the

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*R. Simeon b. Lakish was a Palestinian and knew the Greek language.

forehead of the High Priest. And whence the adduction that textile fabrics are also subject to becoming defiled? From the passage [Lev. xi. 32], "or" raiment, which includes any textile fabrics whatsoever.

The rabbis taught: "Any piece of textile fabric or any trifle of an ornament is subject to defilement." But how is it with an article which is half texture and half ornament? It is also subject to defilement. As for an ornament which is carried in a bag, the bag being of woven material becomes defiled and with it the ornament, but if the ornament was carried in a piece of cloth, the cloth remains undefiled. Is a piece of cloth not a textile fabric? Yea, but by that is meant that the bag, even if not made of textile fabric, becomes defiled, because it is attached to the garment. What is a bag used for? Said R. Johanan: Poor people use them for the purpose of putting some trifles in them and then hang them on the necks of their daughters.

It is written "And Moses was wroth with the officers of the host" [Numb. xxxi. 14]. Said R. Na'hman in the name of Rabba b. Abuhu: "Thus said Moses unto Israel: 'Have ye then returned to your first sin (that ye have let the females live)?'" They answered him [ibid. 49]: "Thy servants have taken the sum of the men of war who have been under our command, and there lacketh not one man of us" (implying that none had sinned). Said Moses again: "If such be the case, why need ye atonement?" They answered: "Though we have strengthened ourselves to keep aloof from sin, we could not put it out of our minds. We have therefore [ibid. 50] brought an oblation unto the Lord." On this the school of R. Ishmael taught: Why did the Israelites of that generation require forgiveness? Because they had feasted their eyes on strange women.

MISHNA *V.*: A woman may go out with plaits of hair, be they made of her own hair or of another woman or of an animal; with Totaphoth or Sarbitin if fastened.* With a hood or with a wig in her yard (private ground); with cotton wadding in her ear or in her shoe; or with cotton wadding prepared for her menstruation; with a grain of pepper or of salt, or with whatever else she may be accustomed to keep in her mouth, provided she does not put it in her mouth on the Sabbath to

* See note to preceding Mishna.

commence with; if it fell out of her mouth she must not replace it. As for a metal or golden tooth, Rabbi permits a woman to go out with it, but the sages prohibit it.

GEMARA: It has been taught: "Provided a young woman does not go out with (plaits of hair belonging to) an old woman; nor an old woman with plaits of hair belonging to a young woman." So far as an old woman is concerned, it would be nothing but right, for the plaits of a young woman would be a source of pride to her (and there is fear of her taking them off to show to others); but why should a young woman be prohibited to go out with plaits belonging to an old woman? They are a disgrace to her (and surely she would not take them off for exhibition)! The teacher while treating on plaits with respect to an old woman also makes mention of the case of a young woman (for the sake of antithesis).

"*With a hood or a wig in her yard.*" Said Rabh: "Everything prohibited by the sages to be worn on public ground must not be worn in the yard, save a hood and a wig." R. Anani b. Sasson in the name of R. Ishmael said: "Everything may be worn in the yard like a hood. But why does Rabh discriminate in favor of these objects?" Said Ulla: "In order that she may not become repulsive to her husband."

"*And with cotton in her ears or in her shoes.*" Romi b. Ezekiel taught only when tied to her ears or her shoes.

"*And cotton wadding prepared for her menstruation.*" "In this case," said Rabha, "even if it is not tied it may be worn, because, being disgusting, it will not be handled." R. Jeremiah b. R. Abba questioned Rabha: "How is it if the same was prepared with a handle?" And he answered: "Then it is also allowed." And so also it was taught by R. Na'hman b. Oshia in the name of R. Johanan.

R. Johanan went to the college with cotton wadding in his ears on Sabbath, and his colleagues objected to it. R. Joni went into unclaimed ground with it against the opinion of all his contemporaries.

"*With a grain of pepper or a grain of salt.*" The former to take away any bad odor of the breath and the latter as a remedy for toothache.

"*Or with whatever else she is accustomed to keep in her mouth,*" meaning ginger or cinnamon.

"*A metal or a gilt tooth,*" etc. Said R. Zera: They differ concerning a gold tooth only, for a silver tooth is unanimously

permitted. And so we have learned plainly in a Boraitha. Said Abayi: Rabbi, R. Eliezer, and R. Simeon b. Elazar, all three agree to the opinion that anything provoking disgust (or ridicule) a woman will not wear for show: Rabbi, as just cited; R. Eliezer, as he freed a woman bearing a box of cachous or a perfume bottle; R. Simeon b. Elazar, as we have learned in the following Boraitha: "Anything below the hair-net is permitted to be worn outside."

MISHNA *VI.*: Women may go out with a coin fastened to a swelling on their feet; little girls may go out with laces on and even with screws in their ears. Arabians may go out in their long veils and Medians in their mantillas; so may even all women go out, but the sages spoke of existing customs. She may fold her mantilla around a stone, nut, or a coin (used as buttons), provided she does it not especially on the Sabbath.

GEMARA: "*Little girls may go out with laces.*" The father of Samuel did not permit his daughters to go out with laces nor to sleep together; he made bathing-places for them during the month of Nissan, and curtains during the month of Tishri. "He did not permit them to go out with laces?" Were we not taught that girls may go out with laces? The daughters of Samuel's father wore colored (fancy) laces and (lest they take them off to show to others) he did not permit them to go out with them.

"*Fold her mantilla around a stone,*" etc. But did not the first part (of the Mishna) say that she may fold it, etc.? Said Abayi, the last part of the Mishna has reference to a coin (which is not permitted). Abayi questioned: May a woman fold her mantilla on Sabbath shrewdly around a nut for the purpose of bringing it to her little son? And this question is according to both; to him who permits subtilty in case of fire, and also according to him who forbids it. According to him who permits it, it may be that only in case of fire he permits, as if it were not allowed, he would extinguish it; but this is not the case here. And according to him who prohibits it, it may be that he does so because the clothing seller usually so bears the clothes; but here, as it is not the custom to bear it so, it may be that it is permitted? The question remains.

MISHNA *VII.*: The cripple may go out with his wooden leg; such is the decree of R. Meir, but R. Jossi prohibits it. If the wooden leg has a receptacle for pads, it is subject to

defilement. Crutches are subject to defilement by being sat or trodden upon;* but one may go out with them on Sabbath and enter the outer court (of the Temple). The chair and crutches of a paralytic are subject to defilement, and one must not go out with them on the Sabbath nor enter the outer court (of the Temple). Stilts are not subject to defilement, but nevertheless one must not go out with them on Sabbath.

GEMARA: Rabha said to R. Na'hman: How are we to accept the teaching of the Mishna? Did R. Meir permit the cripple to go out with a wooden leg on the Sabbath and R. Jossi prohibit his doing so, or *vice versa?* Answered R. Na'hman: "I know not." "And how shall the Halakha prevail?" Answered R. Na'hman again: "I know not." It was taught: Samuel and also R. Huna begin the Mishna: "A cripple shall not," etc. And R. Joseph said: "As both sages read the Mishna so, we shall do the same." Rabha b. Shira, however, opposed: "Was he not aware that when R. Hanon b. Rabha taught so to Hyya, the son of Rabh, the father showed him with the movement of his hands to change the names? In reality Samuel himself has also receded from the former teaching, and has corrected: "A cripple may go out," so is the decree of R. Meir. [Hamoth, 101*a.*]

"*And must not enter the outer court,*" etc. A Tana taught before R. Johanan that one *may* go in with them in the outer court. Said R. Johanan to him: I teach that a woman may perform the "Chalitza" † with them (hence they are considered shoes), and you say he may go in with them to the outer court. Go and teach the contrary.

MISHNA *VIII.*: Boys may go out with bands and princes with golden belts; so may every one else, but the sages adduce their instances from existing customs.

GEMARA: What kinds of bands? Said Ada Mari in the name of R. Na'hman b. Baruch, who said in the name of R. Ashi b. Abhin, quoting R. Jehudah: "Wreaths of Puah roots." Said Abayi: "My mother told me that three of such wreaths give relief (in sickness), five of them produce a complete cure, and seven of them are even proof against witchcraft."

Said R. Aha b. Jacob: "And this only if they (the wreaths)

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* Wherever the expression "subject to defilement by being sat or trodden upon" occurs in the Talmud it refers to being sat or trodden upon by a person afflicted with venereal diseases.

† See the law of Chalitza [Deut. xxv. 9].

have never seen sun, moon, or rain; never heard a hammer fall or a cock crow or the fall of footsteps."

Said R. Na'hman b. Itz'hak: "Thy bread is cast upon the deep" (meaning the remedy is an impossibility).*

The rabbis taught: (Women) may go out with a Kutana stone (to prevent miscarriage) on the Sabbath. It was said in the name of R. Meir that they may even go out with the counterpoise of a Kutana stone, and not only such (women) as have already once miscarried, but even as a preventive to miscarriage, and not only when a woman is pregnant, but lest she become pregnant and miscarry. Said R. Jemar b. Shalmia in the name of Abayi: But the counterpoise must be an exact one and made in one piece.

MISHNA *IX.*: It is permitted to go out with eggs of grasshoppers or with the tooth of a fox or a nail from the gallows where a man was hanged, as medical remedies. Such is the decision of R. Meir, but the sages prohibit the using of these things even on week days, for fear of imitating the Amorites.†

GEMARA: The eggs of grasshoppers as a remedy for toothache; the tooth of a fox as a remedy for sleep, viz., the tooth of a live fox to prevent sleep and of a dead one to cause sleep; the nail from the gallows where a man was hanged as a remedy for swelling.

"*As medical remedies,*" such is the decision of R. Meir. Abayi and Rabha both said: "Anything (intended) for a medical remedy, there is no apprehension of imitating the Amorites; hence, if not intended as a remedy there *is* apprehension of imitating the Amorites? But were we not taught that a tree which throws off its fruit, it is permitted to paint it and lay stones around it? It is right only to lay stones around it in order to weaken its strength, but what remedy is painting it? Is it not imitating the Amorites? (Nay) it is only that people may see it and pray for mercy. We have learned in a Boraitha: It is written [Leviticus, xiii. 45]: "Unclean, unclean, shall he call out." (To what purpose?) That one must make his troubles known to his fellow-men, that they may pray for his relief.

Rabhina said: The hanging up of a cluster of dates on a date

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* The text continues with different quack remedies for sickness, melancholy, and other things which are neither important nor translatable, and therefore omitted.

† See Leviticus, xviii. 3 and 30, where the imitating of the customs of the Canaanites and Amorites is forbidden.

tree (as a sign that the tree throws off its fruit) is in accordance with the above-mentioned teacher.

If one says: "Kill this cock, for he crowed at night; or kill this hen, for she crowed like a cock; or I will drink and leave a little over," because of superstition, there is apprehension that he imitate the Amorites; but one may put a splinter of "Tuth"* or a piece of glass in a pot, that it may boil the quicker. The sages, however, prohibited pieces of glass as being dangerous. The rabbis taught: One may throw a handful of salt in a lamp that it may burn the brighter, or loam and fragments of earthenware that it may burn more slowly. The saying "to your health" at wine-drinking is no imitation of the customs of the Amorites. It happened that R. Aqiba gave a banquet in honor of his son, and at every cup that he drank he said: "To the wine in the mouth and to the health of the sages and their disciples."

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* *Zilla*, according to the commentary of Malkhi Zedek, which means "a smooth shrubby herb, of the mustard family."

CHAPTER VII.

THE GENERAL RULE CONCERNING THE PRINCIPAL ACTS OF LABOR ON SABBATH.

MISHNA *I.*: A general rule was laid down respecting the Sabbath. One who has entirely forgotten the principle of (keeping) the Sabbath and performed many kinds of work on many Sabbath days, is liable to bring but *one* sin-offering. He, however, who was aware of the principle of Sabbath, but (forgetting the day) committed many acts of labor on Sabbath days, is liable to bring a separate sin-offering for each and every Sabbath day (which he has violated). One who knew that it was Sabbath and performed many kinds of work on different Sabbath days (not knowing that such work was prohibited), is liable to bring a separate sin-offering for every principal act of labor committed. One who committed many acts all emanating from one principal act is liable for but one sin-offering.

GEMARA: What is the reason that the Mishna uses the expression "a general rule"? Shall we assume that it means to teach us a subordinate rule in the succeeding Mishna, and the same is the case with the Mishna concerning the Sabbatical year, where at first a general rule is taught and the subsequent Mishnas teach a subordinate rule? Why does the Mishna relating to tithes teach *one rule* and the succeeding Mishna *another*, but does not call the first rule a "general rule"? Said R. Jose b. Abbin: Sabbath and the Sabbatical years, in both of which there are *principals* and *derivatives*, he expresses a general rule; tithes, however, in which there are no principals and derivatives, no general rule was laid down. But did not Bar Kapara teach us a general rule also in tithes? It must be therefore explained thus: The subject of Sabbath is greater than Sabbatical, as the first applies to attached and detached things, while the Sabbatical applies only to attached ones. The subject of the latter, however, is greater than tithes, as it applies to human and cattle food; while tithes applies only to human food. And Bar Kapara teaches a general rule in tithes also,

because it is greater than peah (corner tithe), as tne former applies also to figs and herbs, which is not the case with peah.

It was taught concerning the statement of the Mishna: He who forgot, etc., that Rabh and Samuel both said: Even a child that was captured by idolaters or a proselyte who remained among idolaters is regarded as one who was aware of the principle, but forgot it and is liable; and both R. Johanan and Resh Lakish said that the liability falls only upon him who was aware, but *subsequently* forgot; the child and the proselyte in question are considered as if they were never aware, and are free.

An objection was raised from the following: A general rule was laid down concerning the observation of the Sabbath. One who had entirely forgotten the principle of Sabbath, and had performed many kinds of work on many Sabbath days, is liable for but *one* sin-offering. How so ? A child which was captured by idolaters and a proselyte remaining with idolaters, who had performed many acts of labor on different Sabbaths, are liable for but one sin-offering; and also for the blood or (prohibited) fats which he has consumed during the whole time, and even for worshipping idols during the whole time, he is liable for only one sin-offering. Munbaz, however, frees them entirely. And thus did he discuss before R. Aqiba: Since the intentional transgressor and the unintentional are both called sinners, I may say: As an intentional one cannot be called so unless he was aware that it is a sin, the same is the case with an unintentional, who cannot be called sinner unless he was at some time aware that this is a sin (it is true, then, the above must be considered as never having been aware of it). Said R. Aqiba to him: "I will make an amendment to your decree, as the intentional transgressor cannot be considered as such unless he is cognizant of his guilt *at the time of action*, so also should not the unintentional transgressor be considered as such unless he is cognizant *at the time of action*." Answered Munbaz: "So it is, and the more so after your amendment." Thereupon R. Aqiba replied: "According to *your* reasoning, one could not be called an unintentional transgressor, but an intentional." Hence it is plainly stated: "How so ? A child," etc. This is only in accordance with Rabh and Samuel, and it contradicts R. Johanan and R. Simeon b. Lakish. They may say: "Is there not a Tana Munbaz, who freed them ? We hold with him and with his reason, namely: It is written [Numb. xv. 29]: "A law shall be for you, for him that acteth through igno-

rance," and the next verse says [ibid. 30], " but the person that doeth aught with a high hand." The verse compares then the ignorant to him who has acted intentionally; and as the latter cannot be guilty unless he was aware of his sin, the same is the case with the ignorant, who cannot be considered guilty unless he was at some time aware of the sin.

Another objection was raised from a Mishna farther on: " Forty less one are the principal acts of labor." And deliberating for what purpose the number is taught, said R. Johanan: For that, if one performed them *all* through forgetfulness, he is liable for each of them. How is such a thing (as utter forgetfulness) to be imagined ? We must assume that although cognizant of the (day being) Sabbath, one forgot which acts of labor (were prohibited). And this is correct only in accordance with R. Johanan, who holds: " If one is ignorant of what acts of labor constitute (sin punishable with) Karath (being ' cut off'), and commits one of those acts even intentionally, he is bound to bring a sin-offering only." And such an instance can be found in case one knows that those acts of labor were prohibited, at the same time being ignorant of that punishment which is Karath. But according to R. Simeon b. Lakish, who holds that one must be totally ignorant of both the punishment of Karath and what acts are prohibited on Sabbath, how can the above case be found ? He was aware that Sabbath must be kept. But what was he aware of in the observance of Sabbath ? He only knew of the law governing the going outside of the boundaries of the city.

But who is the Tana of the following Boraitha ? The scriptural passage, " Him that acteth through ignorance," refers to one who was ignorant both of the (principle of) Sabbath and the prohibition of the acts of labor. One who was cognizant of both is referred to by the Scriptures as " the person that doeth aught with a high hand." If one, however, was cognizant of the (principle of) Sabbath, but not of the prohibition of the acts of labor, or *vice versa*, or even if he knew that the acts of labor were prohibited, but did not know that they involved culpability requiring a sin-offering (while he is not the scriptural man " that acteth through ignorance "), still he is culpable of a transgression requiring a sin-offering ? It is Munbaz mentioned above.

R. Huna said: One who has been travelling in a desert and does not know what day is Sabbath, must count six days from the day (on which he realizes) that he has missed the Sabbath,

and observe the seventh. Hyya b. Rabh said: He must observe that very day and then continue his counting from that day. And what is the point of their differing? The former holds that one must act in accordance with the creation (which commenced six days before the Sabbath), while the latter holds that one must be guided by Adam's creation (on the eve of Sabbath). An objection was made: "If a man while travelling in a desert forgot when the Sabbath arrives, he must count 'one day to six' and then observe the seventh. Does this not mean he must count six days and then observe the seventh?" Nay; it may be said that it means that very day, and continue his counting from that day. If this be the case, why are we taught "he must count one to six"? It should be taught (plainly) he must observe a day and continue counting from that day. Moreover, we were taught in a Boraitha: "If one while travelling in the desert forgot when the Sabbath arrives, he must count six days and observe the seventh." The objection to R. Hyya b. Rabh is sustained.

Rabha said (referring to the traveller who forgot the Sabbath): "On every day, except the one on which he realizes that he has missed the Sabbath, he may perform enough labor to sustain himself." But one that should do nothing and die (of hunger)? Nay; only in case he provided himself with his necessaries on the preceding day. Perhaps the preceding day was Sabbath. Therefore read: He may labor even on that day to sustain himself. In what respects is that day, then, to be distinguished from other days? By means of Kiddush and Habhdalah.*

Said Rabha again: "If he only recollects the number of days he has been travelling, he may labor all day on the eighth day of his journey, in any event" (for he surely did not start on his journey on a Sabbath). Is this not self-evident? Lest one say that one would not only not start out on the Sabbath, but also not on the day before Sabbath; hence, if he went out on the fifth day of the week, he is permitted to work on both the eighth and ninth days of his journey. Therefore he comes to teach us that only on the eighth day of his journey would he be permitted to work, for frequently one comes upon a caravan on Friday and starts out even on that day.

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* Kiddush and Habhdalah are the benedictions recited at the commencement and termination of the Sabbath, the former over wine or bread and the latter only over some beverage.

" *One who has entirely forgotten*," etc. Whence is this deduced? Said R. Na'hman in the name of Rabba b. Abuhu: "There are two verses in the Scripture, viz. [Exod. xxxi. 16]: 'And the children of Israel shall keep the Sabbath,' and [Lev. xix. 3]: 'And my Sabbaths shall ye keep.' How is this to be explained?" The first means the observance of the commandment of Sabbath generally, and the second means one observance of the commandment for each Sabbath.

" *One who knew* (*the principle of*) *Sabbath*." What is the reason of a difference between the former and the latter part of the Mishna? Said R. Na'hman: For what transgression does the Scripture make one liable for a sin-offering? For what is done through ignorance? In the former part of the Mishna the case of one who was not aware that it was Sabbath is dealt with, and hence only one sin-offering is imposed, while in the latter the case dealt with is of one who was aware that it was Sabbath, but ignorant as to the acts of labor, hence a sin-offering for each act is prescribed.

" *Liable for a sin-offering*," etc. Whence do we deduce the distinction between acts of labor? Said Samuel: It is written [Exod. xxxi. 14]: "Every one that defileth it shall be surely put to death." We see, then, that the Scripture has provided many deaths* for defiling the Sabbath. But does not the verse refer to one who violates the Sabbath wantonly? As it cannot be applied to an intentional violator, for it is already written [Exod. xxxv. 2]: Whosoever doeth work thereon shall be put to death"; therefore apply it to an unintentional sinner. How, then, will you explain the words "put to death"? That is only the pecuniary equivalent (of being put to death) (viz., he shall bring a sin-offering which costs money). Why not advance the distinction between the acts of labor, as R. Nathan (does elsewhere)? Samuel is not of the opinion of R. Nathan, but of R. Jossi, who says that the additional commandment not to kindle a fire on the Sabbath was taught additionally for the special purpose of conveying to us that one who does kindle a fire is not to be punished either with Karath or stoning; for we have learned in a Boraitha: The additional commandment not to kindle a fire on the Sabbath was taught additionally for the special purpose of conveying to us that one who kindles a fire on the Sabbath is not to be punished either with Karath

* The literal translation of the passage Exod. xxxi. 14 is: "Every one that defileth it [the Sabbath], death shall he die."

or stoning. Such is the opinion of R. Jossi. R. Nathan says it is written for the sake of separation (from other acts). Let then the separation of acts of labor be adduced whence R. Jossi adduces them—in the following Boraitha: It is written [Lev. iv. 2]: "And do (of) any (one) of them," as follows: Sometimes one is only bound to bring one sin-offering for all transgressions, and sometimes one is bound to bring a sin-offering for each and every transgression separately.

Said R. Jossi b. Hanina: "Why does R. Jossi explain that passage thus? The verse should read 'one of them' (Achath mehenoh), but in reality it reads 'of one of them' (Meachath mehenoh), or it should read 'of one them' (Meachath henoh), but it reads 'of one of them.' Therefore he explains that 'sometimes one is equal to many and sometimes many equal one.'"*

Rabha questioned R. Na'hman: "How is it if one is ignorant of both (of the day being Sabbath and the prohibition of the acts of labor on that day)? Answered R. Na'hman: "Take one instance at a time. You say he was ignorant of the day being Sabbath; then he is bound to bring a sin-offering. How would it be if, on the contrary, I had said that he was ignorant of the prohibition of the acts of labor *first?* Would you say that he becomes liable to a sin-offering for each and every act performed?" Said R. Ashi: "Let us see from the man's actions. How would it be if one came to him and reminded him of its being Sabbath (without calling his attention to the fact that he was working)? If the man *immediately* stopped his work, it is clear that he had actually forgotten that it was Sabbath. If, however, the man was reminded by a third party that he was working (without having his attention called to the fact that it was Sabbath), and he immediately quit his work, it is evident that he was not cognizant of the prohibition of the acts of labor; hence he would become liable to bring a sin-offering for each and every act performed. Said Rabbina to R. Ashi: "What difference does it make? If one is reminded that it is Sabbath and he quits work, he becomes aware that it is Sabbath, and if he is reminded of his working he also becomes aware that the day is Sabbath; hence it makes no difference."

Rabha said (supposing the following case happened: "One reaped and ground the equivalent (in size) of a fig on a Sabbath,

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* In that passage there is a superfluous Mem (the Hebrew prefix meaning *of* or *from*). Hence its literal translation is "of one of them."

ıg that it was Sabbath, and on another Sabbath
hing, knowing it was Sabbath, but not knowing
of labor were prohibited; then remembered that
ted a transgression on the Sabbath through igno-
y being Sabbath, and took a sheep and set it aside
ng. Suddenly he recollected that he had also
ransgression on the other Sabbath, through his
e prohibition of the acts of labor. What would
such a case ? I can say that the sheep set aside
for a sin-offering for the first transgression suffices also for the second, although in reality two sin-offerings were required to atone for the second transgression. The one sin-offering would suffice, because it is in truth not brought for forgetting the Sabbath, but for reaping and grinding; the reaping in the first instance carries with it the reaping in the second, as also the grinding in the first instance carries with it the grinding in the second, and one sin-offering atones for all.

Assuming, however, that in the second instance (when he forgot about the prohibition of the acts of labor) he (at some later time) recollected only having reaped (but forgot that he also ground), and having set aside the sin-offering he became liable for on account of his transgression in the first instance (when he forgot about the Sabbath), he atones for the reaping and grinding on the first Sabbath and for the reaping on the second Sabbath, but not for the grinding on the second Sabbath; hence (after also recollecting that he had ground) he must bring an additional sin-offering. Abayi, however, says: The one sin-offering atones for all, because the grinding, which he atones for in the first instance, also carries with it the grinding in the second instance. Why so ? For the reason that in both instances the acts atoned for are analogous. (When a sin-offering was brought, a confession was made. In citing the sin committed in the first instance grinding was mentioned and applies also to the grinding in the second instance. Therefore no additional sin-offering is necessary.)

It was taught: If one has eaten tallow (which is prohibited) on two different occasions, and at both times the tallow was the equivalent (in size) of an olive (or larger); and afterward he was reminded of the first occason, and later on of the second occasion also, what is the law in his case ? R. Johanan says: He must bring two sin-offerings. Why so ? Because he recollected the transgressions at different times. Resh Lakish,

however, says: He need bring only one sin-offering. What is R. Johanan's reason? Because it is written [Lev. iv. 28]: "For his sin, which he hath committed," and he adduces therefrom that for every sin committed one must bring a separate sin-offering, and Resh Lakish holds according to the passage [ibid. 26], "Concerning his sin, and it shall be forgiven him," and claims that it being one and the same sin, only one sin-offering is sufficient. But what will Resh Lakish do with the verse, "For his sin which he hath committed"? That refers to the sin-offering which had already been brought, and therefore could not apply to a later sin. And what about R. Johanan and the passage, "Concerning his sin, and it shall be forgiven"? R. Johanan explains this as follows: If a man ate tallow equivalent (in size) to an olive and a half, and later ate another piece the size of half an olive. Afterward he recollected having eaten tallow, but thought that it was the size of one olive, might some not say that the remaining piece eaten in the first instance should be added to the piece eaten in the second instance, and thus constitute another piece the equivalent (in size) to an olive, and make him liable for another sin-offering? Therefore the passage which means: After once having obtained forgiveness for the transgression on the first occasion the second cannot be counted in with the first.

It was taught: If one intended to pick up a thing detached (for instance, a knife that had fallen in a row of vegetables), and while doing so (accidentally) cut off one of the growing vegetables, he is free.* If, however, he intended to cut something lying on (but not attached to) the ground, and instead cut off something growing out of (attached to) the ground, Rabha

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* In the Tract Kriroth the reason of the man's non-culpability is explained as follows: It is written [Lev. iv. 23], "If now his sin *wherein* he has sinned come to his knowledge," and this should be supplemented with "but not the sin which he had not in mind to commit at all." Whence we see plainly that the Scriptures designate as an unintentional sinner only one who knows *wherein* he has sinned; for instance, if he became aware that it was Sabbath, or that the acts performed by him were prohibited. In our case, however, where a man intended to pick up a thing but accidentally *cut* a thing, it is evident that no intention to cut existed in the man's mind, and the intent of the "*wherein* he has sinned" in the Scriptures does not apply to him. Rabha goes further and says that even if one actually accomplished an act he had in mind and which was permissible on the Sabbath, but at the same time accidentally committed a prohibited act (as illustrated in the above instance), even in such a case the scriptural "*wherein* he has sinned" cannot apply, nor can he be accounted the scriptural unintentional sinner who is liable for a sin-offering. Abayi, however, differs with him, as will be seen farther on.

declares him free, because no intention to cut off the growing object existed in the mind of the man; but Abayi declares him culpable for the reason that, while the man did not intend to cut off what he really did, still the intention to cut was prevalent in the man's mind, and he really did cut; hence he is what the Scriptures refer to as "one who acteth unintentionally."

It was also taught: One who intended to throw (from private ground into public) only for a distance of two ells, but threw four, is freed by Rabha, for the reason that the original intention was to throw within a permissible distance (throwing for a distance of two ells only was permitted); but Abayi held him culpable, for the reason that the act originally intended was accomplished. If one threw in public ground mistaking it for private, Rabh holds him free (for the same reason as before), and Abayi holds him culpable (also for the same reason as he gave in the previous case). Both instances though analogous are necessary. In the first instance (of cutting), where Rabh holds the offender not culpable, the intention to cut off what was prohibited did not exist, but in the second instance (throwing four ells), it could not be accomplished without (carrying out the intention of) throwing for two ells, and passing the two ells (the object landing at a distance of four). Now, lest one might say that Rabha coincides with the opinion of Abayi, and from the latter instance it might be assumed that the offender intended to throw two, but threw four ells, hence Rabha holds him not culpable, for the intention to throw four ells did not exist; but if one threw four ells in what he thought was private ground, and which turned out to be public ground, the intention was carried out, for the object thrown reached its desired destination, and therefore lest one say that in *this* case Rabha coincides with Abayi, the two instances are illustrated, and we are informed that not even in this case does Rabha agree with Abayi.

MISHNA *II.*: The principal acts of labor (prohibited on the Sabbath) are forty less one—viz.: Sowing, ploughing, reaping, binding into sheaves, threshing, winnowing, fruit-cleaning, grinding, sifting, kneading, baking, wool-shearing, bleaching, combing, dyeing, spinning, warping, making two spindle-trees, weaving two threads, separating two threads (in the warp), tying a knot, untying a knot, sewing on with two stitches, tearing in order to sew together with two stitches, hunting deer, slaughtering the same, skinning them, salting them, preparing the

hide, scraping the hair off, cutting it, writing two (single) letters (characters), erasing in order to write two letters, building, demolishing (in order to rebuild), kindling, extinguishing (fire), hammering, transferring from one place into another. These are the principal acts of labor—forty less one.

GEMARA: For what purpose is the number (so distinctly) given? (They are enumerated.) Said R. Johanan: If one labored through total ignorance of the (laws governing the) Sabbath, he must bring a sin-offering for every act of labor performed.

"*Sowing, ploughing.*" Let us see: Ploughing being always done before sowing, let it be taught first. The Tana (who taught as in the Mishna) is a Palestinian, and in his country they sow first and then plough. Some one taught that sowing, pruning, planting, transplanting, and grafting are all one and the same kind of labor. What would he inform us thereby? That if one performs many acts of labor, all of the same class, he is liable for but one sin-offering.

Said R. Aha in the name of R. Hyya b. Ashi, quoting R. Ami: "One who prunes is guilty of planting, and one who plants, transplants, or grafts is guilty of sowing." Of sowing and not of planting? I mean to say of sowing also.

Said R. Kahana: One who prunes and uses the branches for fuel is liable for two sin-offerings, one for reaping and one for planting. Said R. Joseph: One who mows alfalfa (hay) is guilty of mowing and planting both. Said Abayi: One who mows clover hay (which sheds its seed when mowed) is liable (for a sin-offering) for mowing and sowing.

"*Ploughing.*" There is a Boraitha: Ploughing, digging, furrowing, are one and the same kind of labor. R. Shesheth said: One who removes a knoll of earth in a house becomes liable for building, and if in a field he is liable for ploughing. Rabha said: Filling up a hole in the house makes one liable for building, and in the field for ploughing. R. Aba said: Digging (the same hole) on Sabbath for the purpose of making use of the earth alone is free even according to R. Jehudah, who said that the performance of an unnecessary act of labor makes one culpable. He refers to labor that improves an object and not to that which spoils it.

"*Mowing.*" There is a Boraitha: Reaping, vintaging, selecting dates, olives, and figs are all one and the same kind of labor.

" *Binding into sheaves.*" Rabha said: One who gathers salt from salt works is guilty of the act of binding into sheaves. Abayi, however, said that binding into sheaves applies only to produce of the soil.

" *Threshing.*" There is a Boraitha: Threshing, carding, and hackling belong to one and the same class of labor.

" *Threshing, winnowing, fruit-cleaning,*" etc. Is not winnowing, fruit-cleaning, and sifting one and the same class of labor? Abayi and Rabha both said: " Acts of labor executed during the construction of the tabernacle are enumerated separately, though they are of an analogous nature." Let pounding then also be enumerated (as labor, inasmuch as the spices for incense had to be pounded). Said Abayi: (It is true! This is also one of the acts of labor performed at the construction of the tabernacle.) But as the poor people do not pound their grain, generally using it in its natural state, it is not included in the principal acts of labor. Rabha, however, said: " The Mishna should be understood in the sense Rabbi expounded it: The principal acts of labor are forty less one. Should pounding be included, there would be forty even." Let then one of the principal acts (enumerated in the Mishna) be stricken out and substituted by pounding. Hence it is best to accept Abayi's reason.

The rabbis taught: If there are several kinds of food before a man on the Sabbath, he may select such as he desires and even set it aside, but he must not separate the good from the spoilt. If he does this, he is liable for a sin-offering. How is this to be understood? R. Hamnuna explained it thus: " One may select the good from the spoilt for immediate or later consumption, but he must not pick out the spoilt, leaving the good for later consumption. If he does this, he is liable." Abayi opposed: " Is there anything mentioned (in the Mishna) about separating the good from the spoilt?" He therefore explained the Boraitha as follows: " Food may be selected for immediate consumption and setting aside, but not for later consumption. If this is done, it is considered the same as storing it, and involves the liability." This was reported to Rabha by the rabbis, and he said: Na'hmeni (Abayi) has explained it correctly.

When two kinds of food were before a man and he selected part of one kind and ate it, then selected part of the other kind and set it aside, R. Ashi learned in the Boraitha that the man is free, but R. Jeremiah of Diphti learned that he *is* culpable.

Is there not a Boraitha which teaches that he is? This presents no difficulty. R. Ashi refers to food served in a basket or a bowl, but R. Jeremiah learned that the man sifted the food in a sieve.

When R. Dimi came to Babylon he related: It happened on a Sabbath, when R. Bibhi's turn came to entertain the disciples, that R. Ami and R. Assi arrived. R. Bibhi placed before them a basket filled with fruit (together with the leaves and sprigs), and I am not aware what his reason was. Was he of the opinion that it is forbidden to separate food from trash, or was it his liberality?

Hyzkiyah said: "One who shells pressed lupines (on the Sabbath) is culpable." Does this mean to say that it is forbidden to separate food from trash? Nay; there is quite a difference where pressed lupines are concerned; they must be scalded just seven times and immediately shelled, for if they are not immediately shelled they become putrid; therefore to shell them is equal to separting trash from good food.

"*Grinding.*" Said R. Papa: To chop beets is the same as to grind. Splitting wood for kindling is the same as grinding. Said R. Ashi: Splitting leather is the same class of work as cutting by measure (if he is particular about it).

"*Kneading, baking.*" R. Papa said: "The Tana of the Mishna omitted the cooking of spices that took place in the tabernacle and instead of that taught about baking." It is because the Tana follows the order of baking (first comes kneading, then baking, and cooking is included in the latter).

"*Wool-shearing, bleaching.*" Rabba b. b. Hana in the name of R. Johanan said: Spinning wool from a live animal on the Sabbath makes one liable for three sin-offerings; one for shearing, one for carding, and one for spinning. R. Kahana, however, said: This is not the way shearing, carding, and spinning are done (hence he is not at all culpable).

If one plucked quills, cut off their tops, and singed them on both sides, the rabbis taught that he is liable for three sin-offerings.

"*Tying, untying.*" What kind of tying and untying was done at the construction of the tabernacle? Rabha, others say R. Ilayi, said: This is the way of the (snail) fishers; to untie their nets from one load and tie them on another.

"*Sewing on with two stitches.*" But two stitches do not hold (hence it cannot be called work)? Said Rabba b. b. Hana

in the name of R. Johanan: Provided two knots are made, one at each end.

"*Tearing in order to sew together with two stitches.*" Was there any tearing done at the tabernacle? Both Rabba and R. Zera said: When a curtain became moth-eaten, they tore out the moth-eaten part and sewed it together.

R. Zutra b. Tobiah in the name of Rabh said: "To rip a seam on the Sabbath makes one liable; to learn from a magician is a sin involving capital punishment; one who knows the science of astronomy and does not make use of it, is not worth being spoken of." What is a magician? Rabh says a "wizard." Samuel says a "blasphemer." R. Simeon b. Pazi in the name of R. Joshua b. Levi said: Whoever knows the science of astronomy, and does not occupy himself with it is the party alluded to [Isaiah, v. 12]: "But the deeds of the Lord they regard not and the works of his hands they behold not." Said Samuel b. Na'hmeni in the name of R. Jonathan: "Whence the adduction that we are bound to learn astronomy?" From the passage [Deut. iv. 6]: "Keep, therefore, and do them, for this is your wisdom and your understanding before the eyes of the nations." And what kind of wisdom is before the eyes of the nations? You must say that it is astronomy.

"*Hunting deer.*" The rabbis taught: To catch a slug and squeeze it so that it bleed is a transgression involving only a sin-offering. R. Jehudah says, involving two sin-offerings, for R. Jehudah holds that squeezing comes in the class of threshing, but the rabbis told him that squeezing is not threshing. What reason do the rabbis give for their opinion? Said Rabha: Their reason is that threshing can only be applied to produce of the soil.

"*Slaughtering.*" Under which category? Rabh said "dyeing," and Samuel said "taking life." Said Rabh: "I said something which may seem absurd, and so as to prevent future generations from deriding me I will give a reason for what I said: Butchers are in the habit of coloring the throat of the carcasses with blood, in order that people may see (that the meat is still fresh) and be induced to buy."

"*Salting the hide,*" etc. Is not salting a hide preparing it? Both R. Johanan and Resh Lakish said: "Strike out one of them in the Mishna and substitute it with 'marking.'"

"*Scraping the hair off,*" etc. R. Aha b. Hanina said: To polish a floor on the Sabbath is a transgression of the same

order as scraping off the hair of the hide. Said R. Hyya b. Abba: R. Ashi told me three things in the name of R. Joshua b. Levi: Sawing rafters on the Sabbath (that they may be equal in size and pointed) makes one liable the same as "cutting." Daubing a plaster on a piece of cloth makes one liable the same as "scraping hair off." Smoothing a stone makes one culpable of "hammering." R. Simeon b. Kisma in the name of R. Simeon b. Lakish, said: Painting pictures on vessels or blowing out glassware makes one culpable the same as hammering. R. Jehudah said: Removing a border from cloth also makes one as culpable as hammering; but only in case one is particular about having the border remain on his cloth.

"*Writing two letters.*" The rabbis taught: "If one wrote one large letter instead of two small ones, he is not guilty of any transgression; but to erase a large letter, in the place of which two small letters can be written, makes one liable for a sin-offering (for the erasing is done with the intent to write, and two small letters are evidently needed). Said R. Mena'hem b. Jossi: "This is the only case where the law is more rigorous with erasing than with writing."

"*Building, demolishing,*" etc. Both Rabba and R. Zera said: All work which is done in the last stages is considered the same as hammering (which is generally the finishing work).

"*These are the principal acts of labor.*" "These," to exclude a derivation of the same kind as the principal when it is done with the principal together, and as to which R. Eliezer makes one liable for the derivation also.

"*Less one,*" to exclude the extension of the warp or the woof, which R. Jehudah added to the principal acts; but the rabbis said: Extending the warp is included in warping and extending the woof is included in weaving.

MISHNA *III.*: And there is also another rule which was laid down: Whosoever carries out on the Sabbath such things as are fit and proper to be stored and in such a quantity as is usually stored, is liable; but whatever is not fit and proper to be stored, nor in such a quantity as is generally stored, only *he* who would store *this* is liable (because the storing shows that for him it is valuable).

GEMARA: "*Whatever is not fit and proper.*" Said R. Elazar: The latter part of the Mishna is not in accordance with R. Simeon b. Elazar, who said in the following Boraitha: "There is a rule that all which is *not* fit and proper to be stored nor in

such a quantity as is generally stored, if held by one man fit and another man has carried it out, the latter becomes liable for the intention of the owner."

MISHNA *IV.*: It is forbidden to carry about chopped straw in quantities of a cow's mouthful, stalks in quantities of a camel's mouthful, stubble in quantities of a lamb's mouthful, herbs in quantities of a kid's mouthful, leek and onion leaves, if fresh, equal in size to a dried fig, and if dry in quantities of a kid's mouthful. The different kinds of fodder are, however, not to be counted together, as the prescribed quantities are not equal for all.

GEMARA: "*Chopped straw.*" What kind? Said R. Jehudah: "Pease stalks." When Rabhin came to Babylon he said thus: There is no diversity of opinion concerning the carrying out of straw in quantities of a cow's mouthful for a camel, as all agree that in such a case one is liable; the point of their differing is concerning the carrying out of stalks (which is not fit food for a cow) in quantities of a cow's mouthful for a cow. R. Johanan frees him, as he holds that unfit food cannot be regarded as nutrition; and Resh Lakish makes him liable, as he holds that even such is considered nutrition.

"*Stubble in quantities of a lamb's mouthful.*" But does not a Boraitha state "the size of a dried fig"? Both quantities are equal.

"*Leek and onion leaves, if fresh,*" etc. Said R. Jossi b. Hanina: Inferior food is not to be counted in with superior (in order to make out the prescribed quantity). Superior food, however, may be counted with the inferior (in order to complete the prescribed quantity).

MISHNA *V.*: The carrying out of an article of food the size of a dried fig makes one liable. And the different kinds of them are to be counted together, for the prescribed quantity is the same for all kinds, with the exception of husks, kernels, and stalks; likewise bran, both coarse and fine. R. Jehudah says that the husks of lentils are not excepted, because they are boiled with the lentils and are counted in the same (as food).

GEMARA: "*Except bran,*" etc. Is not fine as well as coarse bran to be counted in (the same as food)? Is there not a Mishna concerning the separation of the first dough, that one is bound to separate the first dough made of flour mixed with its fine or coarse bran? Answered Abayi: "This is no contradiction. Poor people only generally use such mixed flour (when Sabbath is concerned something possessing real value is always spoken of)."

" The husks of lentils are not excepted," etc. Husks of lentils only, and not of beans? Did not a Boraitha state that R. Jehudah said, " husks of beans and lentils " ? This presents no difficulty. The Mishna refers to husks of new lentils and the Boraitha refers to old lentils and beans. And why not old ones? Said R. Abuhu : Because they (the husks of lentils and beans) are black and when dished up look like flies in a bowl (they are *not* eaten with the food and therefore are not counted in).

CHAPTER VIII.

REGULATIONS CONCERNING THE PRESCRIBED QUANTITIES OF VICTUALS AND BEVERAGES WHICH MUST NOT BE CARRIED ABOUT ON THE SABBATH.

MISHNA *I.*: The prescribed quantities (of victuals and beverages) prohibited to be carried about on the Sabbath (are as follows): Sufficient wine in a goblet, which with the addition of a certain quantity of water would make a full goblet of wine (fit to drink); * milk to the quantity of a mouthful, honey sufficient to cover a wound with, oil sufficient to anoint a small limb with, and water in quantities sufficient for a medical bath for the eyes. For all other liquids and also of whatever can be poured out, the prescribed quantity is a quarter of a lug (about a quart). R. Simeon says: The prescribed quantities for the liquids enumerated in this Mishna are also a quarter of a lug, and the various prescribed quantities specified apply only to those who store such liquids.

GEMARA: A Boraitha, in addition to this Mishna, states: "The quantity which suffices for a good goblet of wine." What is to be understood by a good goblet? The goblet used in benediction † after meals.

R. Na'hman in the name of R. Abuhu said: "A goblet used at benediction after meals must contain no less than a fourth of a quarter lug (of pure wine), so that when mixed with water the prescribed quantity (a quarter lug) will be made." Said Rabha: We have learned this in our Mishna: "Sufficient wine in a goblet, which with addition of water would make a full goblet"—commented on by the Boraitha to mean "which would make a good goblet." From the close of the Mishna we learn: "For all other liquids the prescribed quantity is a quarter of a lug." [And] he is in accordance with his theory elsewhere, that wine which is not strong enough to be mixed with three parts of water is not

* The wines used in Palestine were so strong that they had to be mixed with water in order to make them fit to drink.

† At the benediction after meals a goblet possessing certain qualities and which is called a goblet of benediction must be used, as ordained in the Tract Benedictions.

considered wine at all. Said Abayi: "There are two objections to this: Firstly, there is a Mishna that wine fit to drink is such as has been mixed with two-thirds water, like the wine of Sharon; secondly, do you think that the water in the pitcher (intended for mixing with the wine) is counted in?" Rejoined Rabha: The first objection does not hold good, as Sharon wine is an exception, which although weak is nevertheless good; or it may be that there the particularity is the color, which is not changed by an addition of two-thirds; but concerning taste, I say that only one which can bear three-fourths of water is considered. As to the second objection, concerning water in the pitcher, it is also nothing as concerning Sabbath. The quality and not the quantity is considered, and the wine in question is of that quality.

There is a Boraitha that the prescribed quantity for the extract of wine is the size of an olive. So said R. Nathan. And R. Joseph said that R. Jehudah agrees with him in a Mishna, Tract Nidah (which will be translated there).

The rabbis taught: The prescribed quantity for animal milk is the equivalent of a mouthful; for human milk and the white of an egg, as much as is used for the preparation of a salve for a sore eye; when mixed with water, the prescribed quantity is as much as is used to bathe both eyes with.

"*Honey sufficient to cover a wound with.*" A Boraitha states: "Sufficient to cover the mouth of a wound with."

Said R. Jehudah in the name of Rabh: The Holy One, blessed be He, has created nothing useless in the world. He created the snail as a remedy for a sore, the fly for the sting of a wasp, the mosquito for the bite of a serpent, the serpent for the mange, and the lizard for the bite of a scorpion.

The rabbis taught: There are five terrors through which the strong succumb to the weak. The Maphgia terrorizes the lion,* the mosquito the elephant, the lizard the scorpion, the swallow the eagle, and the kilbith (a small fish) the whale. Said R. Jehudah in the name of Rabh: Is any similarity to be found in the Scripture? [Amos, v. 9]: "That causeth wasting to prevail against the strong."

R. Zera once met R. Jehudah standing at the door of his (R. Jehudah's) father-in-law in a very cheerful mood, and disposed to answer a whole world full of questions. He asked

* Maphgia is a species of insect, unknown to us at the present day, of which Rashi said that it was a small animal whose voice was so strong that when a lion hears it, he is afraid of it, taking it for a very great animal.

him: "What is the reason that (in a flock) the she-goats generally go ahead of the sheep?" And he answered: "In accordance with the Creation: At first darkness, then light" (she-goats are generally dark and lambs [or sheep] white). "Why are she-goats not covered with a tail?" asked the former again. And he answered: "Those who cover us are (in turn) covered, and those that do not cover us are not covered." (Because sheep provide us with wool, they are also provided with cover.) "Why has a camel a short tail?" "Because it feeds on thorns (in order that the thorns may not catch in its tail)."

And "Why has an ox a long tail?" "Because he grazes in plains and must protect himself from the gnats." "Why are the feelers of a locust soft?" "Because the locusts swarm in fields; were their feelers hard, the locusts would be blinded by losing them in knocking against trees, for Samuel said, all that is necessary to blind a locust is to tear off his feelers." "What is the reason that the lower eyelids of a hen are turned up (and cover the upper eyelids)?" "Because a hen soars to her roost and (in a house full of smoke) she might be blinded by the smoke from below."

The rabbis taught the following: "Three creatures grow stronger as they grow older, viz.: Fishes, serpents, and swine."

"*Oil sufficient to anoint a small limb with,*" *i.e.*, a little finger. At the school of R. Janai it was thus explained: "It means the smallest limb of a one-day-old infant." And the same was said by R. Simeon b. Elazar.

"*Water sufficient for a medical bath for the eyes.*" Said Abayi: Let us see! Of an article which is very often used for one purpose and seldom for another, the rabbis always leniently permitted the maximum quantity to be used, as the prescribed quantity, of the article much in use. Again, when an article is used alike for several purposes, the rabbis restrict the prescribed quantity to its minimum: (to be more explicit) wine is frequently used as a beverage and only at times as a medicament; hence the rabbis regard it solely as a beverage (and determine the maximum quantity); the same is the case with milk; honey, however, which is used to a greater extent as a medicine than for nutritive purposes, is regarded as a medicine and therefore restricted to the prescribed quantity for medicines (which is a smaller quantity than a beverage). What is the reason, then, that the rabbis restrict water, which is certainly more of a beverage than a medicament, to the minimum quantity? Rabha answered: They

hold with the opinion of Samuel, who declared that all liquids used as medicine for the eyes inflame and blind, except water, which soothes and does not blind (and in this case the Mishna has reference to one who carried about water on the Sabbath as a medicament for the eyes).

"*For all other liquids, the prescribed quantity is a quarter of a lug.*" The rabbis taught: For blood and all other liquids the prescribed quantity is a quarter of a lug. R. Simeon b. Elazar said the prescribed quantity for blood is as much as is used to apply to one eye; because that quantity is used when the eye is afflicted with a cataract.

All these prescribed quantities apply only to those who carry (the victuals or beverages) about. To those, however, who store them (the victuals or beverages) the carrying of even the least imaginable quantity is prohibited (because from his storing them we see that he considers them valuable); but R. Simeon says all these prescribed quantities apply to such as stored (victuals and beverages and hence considered them valuable); but as for persons who only carried them out, for all beverages (whether used also for medical purposes or not) if carried out in any quantities less than a quarter of a lug there is no culpability.

The former teacher said that "those prescribed quantities only refer to those who carry out," but to "those who store them the carrying of even the least imaginable quantity is prohibited." Is the one who stores not also a carrier (he is culpable for carrying and not for storing)?

Answered Abayi: The Boraitha treats of a case where a master ordered his retainer to clear off the table. If the retainer removed something of value to everybody from the table, it constituted a quantity which must not be carried about on the Sabbath. If the thing was of value only to the master and the retainer carried it out, he (the retainer) is culpable, in spite of the fact that the thing was of value to his master alone. (Hence he is called one who stores, and not a carrier) for it signifies that the thing is worth storing.

Again, the former teacher said: "And the sages agree with R. Simeon that the prescribed quantity of slops is a quarter of a lug." Of what use are slops? Said R. Jehudah: "To prepare mortar with." But were we not taught that the prescribed quantity for mortar is only as much as suffices to make the mouth of a bellows-pipe with? Aye, but for the purpose of preparing mortar, a man would not trouble himself to carry out so small

a quantity as is sufficient to make a mouth of a bellows-pipe, hence a quarter of a lug would be the least that would be carried out to make mortar with.

MISHNA *II.*: The prescribed quantity for rope is as much as suffices to make a handle for a basket; for reeds, as much as suffices to hang a fine or coarse sieve thereon: R. Jehudah says: As much as is sufficient to take the measure of a child's shoe; for paper, as much as suffices to write a toll-bill on—a toll-bill itself must *not* be carried out; the prescribed quantity for paper that has been erased is as much as will wrap the top of a perfume bottle. The prescribed quantity for vellum is as much as suffices for the covering of an amulet; for parchment, as much as suffices for the writing of the smallest portion of the phylacteries, which is "Hear, O Israel"; for ink, as much as is necessary for the writing of two letters (characters); for paint, as much as will paint one eye. The prescribed quantity for (bird) lime is as much as will suffice to put on a lime twig; for pitch or sulphur, as much as will cover a hole (in a quicksilver tube); for wax, as much as will fill up a small leakage (in a utensil); for loam, as much as suffices to make an orifice for a pair of bellows used by goldsmiths; R. Jehudah says the prescribed quantity for loam is as much as will make a stand for a goldsmith's crucible; for clay, as much as will cover the mouth of a goldsmith's crucible; for lime, as much as will cover the little finger of a maiden; R. Jehudah says for lime the prescribed quantity is as much as will cover the temple of a maiden; R. Nehemiah says as much as will cover the back part of a maiden's temple.

GEMARA: "*For paper, as much as suffices to write a toll-bill on.*" There is a Boraitha: "The legal size of a toll-bill is a piece of paper large enough to contain two letters." Is this not contradictory to the Boraitha which says that the carrying out of a piece of blank paper large enough for two letters of ordinary size to be written on makes one liable? Answered R. Shesheth: "The two letters referred to by the Mishna are the letters used by the toll-master (usually extra large letters). Rabha, however, said that the piece of paper referred to is large enough for two letters and has a margin by which it can be held.

The rabbis taught: If one carry out on the Sabbath an unpaid promissory note he is liable, but not so for a paid one. But R. Jehudah said: The same is the case with a paid-up note, for its value lies therein, that the owner may show it to a prospective creditor in order to prove promptness of former payments. What

is the point of their differing? Said R. Joseph: "They differ if it is allowed to preserve a paid note. According to the rabbis it is prohibited, and according to R. Jehudah it may be done.*

"*For vellum is as much as suffices to make a cover for an amulet.*" Rabha questioned R. Na'hman: "Of what size?" and the latter answered: "As we were taught in the Mishna, as much as will suffice to make a cover for an amulet." And what is the size in regard to tanning? The same quantity. And where do you take this from? From the Mishna farther on, that gives the same quantity for wool preparing to be woven and for already woven. The same is here as it is for tanning; the quantity is the same as if already tanned. (The further discussion is repeated in many places, and each is translated in its proper place.)

"*Parchment as much as suffices to write thereon the smallest portion,*" etc. Is this not a contradiction to the Boraitha which teaches that the prescribed quantity for parchment and double parchment (δο-ξέστος) is as much as suffices to write a Mezuzah (inscription on the door-posts) on? The Mezuzah mentioned in the Boraitha refers to the Mezuzah contained in the phylacteries. Does the Boraitha call phylacteries Mezuzah? Yea, it does elsewhere. But since the latter part of the Boraitha teaches explicitly that the prescribed quantity for parchment is as much as is required for writing the smallest portion of the phylacteries, which is "Hear, O Israel," is it not to be assumed that in the former part of the Boraitha a Mezuzah proper is meant? Read: What is the prescribed quantity for parchment and double parchment? For the latter as much as is required for the writing of a Mezuzah; and the former, for the writing of the smallest portion of the phylacteries, which is "Hear, O Israel."

Rabh said: "Double parchment is the same as parchment. The same as we may write the portions of the phylacteries on parchment, so may we also write them on double parchment." Were we not taught "*parchment* sufficient," etc., which certainly does not mean double parchment? Nay, it is only a better observance to write on parchment than on double parchment.

"*For ink,*" etc. A Boraitha adds: The prescribed quantity for dry ink is as much as will suffice for the writing of two letters; for prepared ink as much as a quill or stub will require to write the two letters with. Said Rabha: For carrying out suffi-

* Abayi and Rabba also discuss the same note, but this is repeated in the Third Gate, in whose translation we are now engaged, and is, therefore, omitted here.

cient ink for two letters and writing the two letters while carrying the ink, one is culpable; for the writing is equivalent to depositing a thing in a place. But for carrying out sufficient ink for one letter only, and writing that letter while carrying the ink, afterward carrying out another quantity of ink sufficient for one letter and writing the other letter while carrying the ink, one is not culpable; for by the time the second letter was written (the ink of the first letter dried out and) the prescribed quantity of ink was not visible. Again Rabha said: For carrying out food to the size of one-half of a dried fig, laying it down, and then carrying out another quantity of like size (one is not culpable), for it is considered as if the first quantity had been consumed by fire. But why should it be thus considered? Is it not lying there yet? He means to say: If one picked up the first before he laid down the second, the first is to be considered as if consumed by fire, and hence one is not culpable.

"*For paint,*" etc. Is it not a fact that people never dye one eye only? Said R. Huna: Modest women veil one eye and only paint the other. To this explanation some one objected, viz.: For paint as a remedy the prescribed quantity is as much as will dye one eye, said R. Simeon b. Elazar, but as a means for beautifying the prescribed quantity is as much as will dye two eyes. Hillel, the son of R. Samuel b. Nahmeni, explained it by saying that R. Simeon b. Elazar referred to country damsels who dye both eyes.

"*For bird lime as much as is sufficient to put on a lime twig.*" There is a Boraitha: As much as is sufficient to put on a twig for the purpose of catching birds.

"*For pitch and sulphur,*" etc. A Boraitha states: Sufficient to fill up a hole in a quicksilver tube.

"*For loam,*" etc. A Boraitha states: Sufficient to fill up the cracks in a small stove.

"*For clay,*" etc. The rabbis taught: It is prohibited to carry out hair for the purpose of mixing it with clay used to cover a goldsmith's bellows-pipe with.

"*For lime,*" etc. A Boraitha states: To cover the smallest finger of a damsel. Said R. Jehudah in the name of Rabh: Daughters of Israel, when they become of age, and they have not yet developed the signs of puberty, the poor smear their bodies with lime, the rich ones with fine meal, and princesses with myrrh oil. What is myrrh oil? *σταχτη*. And R. Jeremiah b. Aba said: Olive oil from olives which were only one-

third ripe. There is a Boraitha: R. Jehudah said: It is called (in Menachoth) *anphiknun* (*ομφανιον*); and why do they anoint with this? Because it removes the hair and makes the complexion clear. R. Bibi had such a daughter and he anointed her with the same, each member of her body separately; and finally one of the prominent men paid him four hundred zuz and married her. He had a Gentile neighbor who also had such a daughter, and he anointed her whole body at one time, and she died; said he: "R. Bibi has murdered my daughter." Said R. Na'hman: "R. Bibi, who used to drink beer, his daughter needed the anointing, but our daughters do not need it, for we do not drink beer."

"*As much as is sufficient to cover,*" etc. What is meant by Kalkub and Andiphi? Said Rabh: The temple, and the hair between it and the ear. Are we to understand from the Mishna that the prescribed quantity permitted by R. Jehudah is larger than that of the rabbis? Is it not a fact that the rabbis allow the larger prescribed quantity? Aye; R. Jehudah allows a larger quantity than R. Nehemiah, but still a smaller quantity than the rabbis. Or it is possible that an Andiphi means a forehead, from the following narration: "It happened that a Galilean once came to Babylon and was requested to lecture on metaphysics. The Galilean consented and began: I will interpret to you something in the style of R. Nehemiah. Meanwhile a wasp flew out of the wall, stung him on the Andiphi (forehead) and the Galilean died on the spot. It was said that he died a merited death."*

MISHNA *III.*: For sealing-wax the prescribed quantity is as much as is required for the sealing of a bale of goods, so is the decree of R. Aqiba; the sages, however, say for the sealing of a letter. For dung or fine sand as much as is required to fertilize (the soil around) a cabbage stalk, according to R. Aqiba, and to the sages as much as is required to fertilize (the soil around) a leek stalk. For coarse sand as much as is required to fill a trowel, for reed as much as is required to make a writing-pen from, or should it be thick or split, as much as is required to fry the softest beaten egg with, (which) mixed with oil, (lies) in a hot shell.

GEMARA: "*Sufficient to fill a trowel.*" A Boraitha states: (For coarse sand the prescribed quantity is) as much as is required

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* A Mishna teaches elsewhere that it is a sin to lecture on metaphysics, outside of the university.

to fill the trowel of a plasterer. Who is the Tana that holds that sand is an improvement on plaster? Said R. Hisda: R. Jehudah of a Boraitha (Baba Bathra, 60*b*); Rabha, however, said it may be also in accordance with the rabbis, as they hold that the spoiling (of the whiteness) of the plaster (through the admixture of sand) is an improvement of its durability.

"*For reed as much as is required to make a writing-pen.*" A Boraitha teaches: A pen that reaches the joints of the fingers.

"*Or should it be thick.*" A Boraitha teaches: To fry a beaten egg mixed with oil. Said Mar b. Rabhina to his son: "Didst thou ever hear what is understood by the softest egg?" He answered that R. Shesheth said it was a hen's egg. Why does the Mishna call it a light (soft) egg? Because the sages found that no eggs are cooked as quickly as pullets' eggs. Why is it that all other prescribed quantities prohibited to be carried out on the Sabbath are of the size of a dried fig, and here the quantity is of the size of an egg? Answered R. Na'hman: "Even here is meant the quantity of a dried fig from an egg."

MISHNA *IV.*: The quantity of a bone is that large enough to be made into a spoon—R. Jehudah says large enough to be made into a key; glass of sufficient size to be used for scraping off the points of a weaver's spindles; a splinter or a stone large enough to throw at a bird—R. Elazar b. Jacob says to throw at an animal.

GEMARA: Is it to be understood from the Mishna that the prescribed quantity allowed by R. Jehudah is larger than that allowed by the rabbis? Is it not a fact that the rabbis allow the larger? Said Ulla: (R. Jehudah refers to) the tooth of a key.

"*Glass of sufficient size,*" etc. A Boraitha states: Sufficient glass to cut two threads at once.

"*A splinter,*" etc. Said R. Na'hman in the name of R. Johanan: "Provided it is large enough to hurt." But how large should it be? R. Elazar b. Jacob teaches in a Boraitha: The weight of ten zuz.

Zunin once entered the college and questioned the teachers. "What is the prescribed quantity for gravel used in privy for toilet purposes?" He was answered: "The equivalent in quantity to the size of an olive, a nut, or an egg." Said he: "It would then be necessary to carry along a scale." So they deliberated, and decided that the quantity should be a handful.

Rabba b. R. Shilla asked of R. Hisda: "Is it permitted to carry up gravel to the roof (for the purpose cited above, as it is

extra trouble, which is prohibited on the Sabbath)?" He answered: "Precious is the honor of man. For honor's sake, even a direct scriptural commandment may be circumvened!"

Said R. Johanan: It is forbidden to use fragments of earthenware for toilet purposes (after doing one's necessities) on the Sabbath. What is the reason? Is it to say because it is dangerous, then it should be forbidden also on week days; or is it to say because of witchcraft, it would also be prohibited on week days? What then is the reason? Is it because it may remove the hair (from the posterior)? Would this not be an act performed without intention (and work done unintentionally, he is of the opinion is permissible)? R. Nathan b. Ashia answered: A great man made the assertion; we have to find, therefore, a reason for it. There is no doubt whatever that fragments of earthenware are prohibited to be used on week days, when some other things can easily be obtained; but on Sabbath, if nothing else happens to be on hand, nor may be bought, the fragments might be considered as utensils; and, lest one might be inclined to think that for this reason they would be permitted to be used, he informs us that they are not. Can witchcraft be exercised through the agency of fragments? Aye; for the following proves it:

R. Hisda and Rabba b. R. Hana once travelled in a ship, and a matron who wanted to go on the same ship asked their permission to sit down near them, which they refused. She pronounced a certain word and the ship stood still, but they in turn pronounced a certain word and the ship moved on. She then said: "It grieves me sorely that I cannot inflict some punishment on you, seeing that you use no fragments for toilet purposes, nor do you kill the vermin in garments, nor do you pull out vegetables from a bundle (but cut the bundle first)." (Hence it may be seen that fragments can be used as a means for the exercise of witchcraft.)

R. Huna said to his son Rabba: Why do you not go more frequently to R. Hisda, who expounds the law so pointedly? Answered the son: "Of what use would it be? He never taught me but mere worldly knowledge, such as, for instance: Not to sit down to excrementize with a jerk nor to force myself too much, lest the intestines come out and endanger life." R. Huna then rejoined: "Thou sayest 'mere worldly knowledge.' He is interested in the life of the people, and you call it mere worldly knowledge. So much the more should you go to him."

R. Hisda and Rabhina differ as to the consequences of one withholding to perform his necessities. One is of the opinion that foul breath is the result, while the other holds that the entire body assumes a bad odor. The opinion of the latter is supported by the following Boraitha: "He who takes nourishment while in need of performing his necessities is compared to a stove in which a fire was built without previously removing the ashes, which is invariably the cause of a bad smell. One who feels like performing his necessities, but cannot do so, R. Hisda advises that he keep on sitting down and getting up until able. R. Hanan from Neherdai advises him to look for another place, but the rabbis say the sole remedy is to think of nothing else."

The rabbis taught: One who is about to eat a hearty meal should walk ten times four ells or four times ten ells, then perform a (natural) necessity, and after that go in and sit down to the meal.

MISHNA *V.*: The prescribed quantity of fragments (of earthenware) is the size of such as are placed between two boards, is the decree of R. Jehudah. R. Meir says, of a size sufficient to stir a fire with. R. Jossi, of a size to receive (hold) a quarter of a lug. Said R. Meir: Although no positive proof for my assertion can be found in the Scripture, still a vague reference can be deduced from the passage [Isaiah, xxx. 14]: "So that there cannot be found among their fragments a sherd to rake fire from a hearth." Said R. Jossi: "Therefrom you would adduce your proof? It says immediately after that [ibid., ibid.], 'and to draw water from a pit.'"

GEMARA: We must assume that the prescribed quantity allowed by R. Jossi is larger than that allowed by R. Meir; but the scriptural text shows that R. Meir allows the larger; because, is it possible that the prophet will curse them with a larger object after having cursed them with a smaller? Said Abayi: R. Meir also means a fragment used to stir a big fire with; hence his fragment is larger than R. Jossi's.

"*Said R. Jossi,*" etc. Is not R. Jossi's answer correct? What could R. Meir rejoin? R. Meir might say that the prophet intends to convey that not only shall they not have anything of the least value left, but they shall not even have anything that is as valueless as a piece of fragment big enough to contain a drop of water.

CHAPTER IX.

RABBI AQIBA'S REGULATIONS ON DIFFERENT SUBJECTS.

MISHNA *I.*: R. Aqiba said: Whence do we deduce that one who carries an idol is as unclean (ritually) as a woman suffering from menstruation? From the passage [Isaiah, xxx. 23]: "Thou wilt cast them away as a filthy thing.* 'Get thee hence!' wilt thou say unto them." Thus, in the same manner as a woman suffering from menstruation causes (ritual) uncleanness, so does also an idol.

GEMARA: Rabba said: The passage mentioned in the Mishna should be interpreted thus: "Estrange † them from thyself as a stranger; Get thee hence, say unto him, but tell him not to come in!" Further Rabba said: It is unanimously conceded that the carrying of idols causes (ritual) uncleanness and hence it is compared to menstruation, but there is a dissenting opinion among the rabbis concerning a stone (used as a pedestal for an idol or upon which a woman suffering from menstruation chanced to sit) beneath which there were utensils. R. Aqiba holds that idols are regarded the same as menstruating women and the vessels beneath the stone become defiled (for the reason that the stone is the basis of the idol, and the former becomes part of the idol, and hence everything beneath it becomes defiled), but the rabbis regard an idol as a reptile, *i.e.*, as a reptile lying upon a large stone (in which case any utensils chancing to be beneath the stone do not become defiled). This decree is unanimously conceded.

R. Ahadbou b. Ami asked: What about an idol smaller in size than an olive? R. Joseph objected to this question: What is the purpose of the query? Does it refer to the prohibition of idolatry? Even an idol the size of a fly, like the idol of the

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* The Hebrew term used for "filthy thing" in the passage is "Davah," and in Leviticus, xx. 18, Davah is translated, "a woman suffering from her separation (menstruation)."

† The word "Tizrom" (cast them away) Rabba holds to be a derivation from the word "Zar" (strange) and not from "Zarah" (cast away).

Ekronites, which was called Zebub* (fly) is also prohibited; for we are taught it is written in the passage [Judges, viii. 33]: "And they made themselves Baal-berith for a god"; by Baal-berith is meant the Zebub (fly) idol of Ekron, and every idolater (at that time) made an image of his idol in miniature in order to keep it constantly at hand and to be able at any time to take it out, embrace, and kiss it; hence there is no question as to size. Nay, the query of R. Ahadbou is in regard to causing defilement? Either it is regarded as a reptile and defiles, even if only of the size of a lentil, or it is considered as a corpse and causes defilement if it is the size of an olive. (A part of a corpse the size of an olive causes the person touching it to become defiled.) Answered R. Ivia, and according to others Rabba b. Ulla: "Come and hear the following Boraitha: 'No defilement is caused by idols smaller than olives, for it is written [II Kings, xxiii. 6]: "And cast its powder upon the graves of the children of the people."'" (The adduction is) that as a corpse cannot cause defilement by a part less than the size of an olive, the same is the case with idols, which are regarded as corpses.

MISHNA *II.*: (R. Aqiba says again:) Whence the adduction that a ship, though a wooden vessel, is not subject to defilement? From the passage [Prov. xxx. 19]: "The way of a ship is in the heart of the sea."

GEMARA: It is certain† that R. Aqiba intends to convey to us that the reason the passage cited in the above Mishna informs us of a fact known to all is because the sense is to be construed thus: In the same manner as the sea is not subject to defilement, so also a ship can never become defiled.

There is a Boraitha: Hananyah said: We make the adduction from a sack (which is subject to defilement) that everything which can be carried after the manner of a sack, sometimes full and at other times empty, is subject to defilement, except a ship, which cannot be carried at all, full or empty. What are the points of difference in the two adductions (of R. Aqiba and Hananyah)? They are concerning a small (river) boat. One holds that all boats (ships) must be regarded as the sea itself (hence not subject to defilement), while the other is of the opinion that a small (river) boat must be regarded as a sack because it is

* See II Kings, i. 2.

† The term "it is certain" (peshitah) is generally used by the Gemara in the sense of the question, "Is it not self-evident?" In the above case, however, it is intended for an explanation of the reason for R. Aqiba's adduction. See Rashi.

carried to the place whence it is launched and hence is subject to defilement; as R. Hanina b. Aqa'bbia said: Why did the rabbis say that a small (river) boat is subject to defilement? Because it is usually loaded in the dry dock and then carried into the river.

Rabbi Johanan in the name of Rabbi said: "One should not absent himself from the college even for one hour. Behold, this teaching (concerning a river boat) has been taught in the schools for many years and no one knew the reason for it until R. Hanina b. Aqa'bbia came and explained it."

R. Jonathan said: One should never absent himself from the house of learning or abstain from learning the law, even when at the point of death, for it is written [Num. xix. 14]: "This is the law, when a man dieth in his tent"; (*i.e.*) even at the point of death man must occupy himself with the study of the law. Resh Lakish, however, adduces from the same verse that one does not retain (in memory) the law, unless he is ready to die for it.

MISHNA *III.*: (R. Aqiba said:) Whence do we adduce that in a patch of ground six spans long by six spans wide five different kinds of seed may be planted—one kind each in each of the four corners and one in the centre of the patch? From the passage [Isaiah, lxi. 11]: "For as the earth bringeth forth her growth, and as a garden causeth what is sown therein to spring forth." (We see then) it is not written "as a garden causeth *its seed* to spring forth," but *what is sown therein.*

GEMARA: How is this to be understood from that passage? Said R. Jehudah: The passage cited in the above Mishna is to be thus explained: "The earth *bringeth forth* her growth." "Bringeth forth" (which is in the singular) can be counted for "one" (kind of seed). Her "growth" (also singular) can also be counted for "one." (Now we have two.) "What is grown therein" (evidently plural) can be counted for two more (making four), and "to spring forth" (in the singular again) can be counted as one, making five in all; and (as far as the six spans square are concerned) the rabbis are quite certain (through tradition) that five different kinds of seed in a patch six spans square do not interfere with one another. But whence do we know that the assurance of the rabbis can be depended upon? Answered R. Hyya b. Aba in the name of R. Johanan, from the passage [Deut. xix. 14]: "Thou shalt not remove the landmark of thy neighbor, which they of old time have set," which is to be explained: "Thou shalt not go beyond what is limited by those

of old." But what have those of old limited ? Answered R. Samuel bar Na'hmeni in the name of R. Jonathan: "It is written [Gen. xxxvi. 20]: "These are the sons of Seir the Chorite, who inhabited the land." Only they inhabited the land ? Did the rest of mankind inhabit heaven ? It simply means to state that they made the earth inhabitable by their knowledge of agriculture and their experience as to what ground is adapted for the planting of olive trees, vines, date trees, etc.

R. Assi said: "The teaching of R. Aqiba in the Mishna refers to a patch of ground six spans square, excluding the corners."

Rabh said: "The above Mishna has reference only to an isolated patch (or furrow) of ground, but in a furrow surrounded by others one can *not* sow five kinds of grain, (as it is necessary to have a space of three spans dividing one kind from the other). Are there not corners, however, (to the furrow) ?" The school of Rabh explained, in the name of Rabh, that reference is made to furrows into the corners of which grain had been sown.

Samuel, however, said, even in a furrow surrounded by other furrows. But will not the seeds interfere one with another ? Samuel refers to furrows which are planted alternately from north to east and from south to west.*

MISHNA *IV.*: (R. Aqiba says again): Whence the adduction that a woman, from whom seed of copulation † escapes only on the third day (after lying with her husband), is unclean ? From the passage [Exodus, xix. 15]: "And he said unto the people, Be ready against the third day. Approach not unto a woman." Whence the adduction that a child may be bathed on the third day of its circumcision, even if that day fall on a Sabbath ? From the passage [Gen. xxxiv. 25]: "And it came to pass on the third day, when they were sore." Whence the adduction that a string of crimson wool must be tied on the head of the goat that was to be sent away ?‡ From the passage [Isaiah, i. 18]: "Though they should be red like crimson, they shall become (white) like wool." Whence do we adduce that anointing one's self on the Day of Atonement is equal to drinking ? Although no positive proof is apparent, still a reference

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* Rashi declares this to be the best possible explanation of Samuel's opinion, and says that many others offered many different explanations, none of which are comprehensible.

† See Leviticus, xv. 16, 17, 18, and ibid. xxii. 4.

‡ See Lev. xvi. 21.

can be adduced from the passage [Psalms, cix. 18]: "And it cometh like water on his body and oil into his bones."

GEMARA: The first part of the Mishna (treating of a woman) is not in accordance with the opinion of R. Elazar b. Azaryah, who declares her (the woman) clean in that case; the second part of the Mishna, however, (treating of bathing on the third day after circumcision) is in direct accord with his own words (as will be seen in Chapter XIX.). Therefore some rabbis claim that the first part of the Mishna reads clean instead of unclean, *i.e.*, that the whole Mishna is according to the opinion of R. Elazar b. Azaryah, but other rabbis claim that the first part of the Mishna is according to the opinion of other Tanaim, who differ with Elazar b. Azaryah (and the word unclean is correct).

"*And they shall be ready against the third day*" [Ex. xix. 11]. R. Ada b. Ahbha said: "Moses went up (to the Mount Sinai) at daybreak, and descended the following break of day." He went up at break of day, as it is written [Ex. xxxiv. 4]: "And Moses rose up early in the morning and went up unto Mount Sinai." He descended on the following daybreak, as it is written [ibid. xix. 24]: "Go, get thee *down*, and then shalt thou come *up*, thou, and Aaron with thee." We see that the Scripture compares the descending to the ascending, and as the ascending was early in the morning, so was also the descending early in the morning.

The rabbis taught: The decalogue was given to Israel on the sixth day of the (third) month, but R. Jossi said on the seventh day.

Said Rabba: All agree that on the first day of the (third) month the Israelites arrived at the wilderness of Sinai. It is adduced from the analogy of the word "this"; [Ex. xix. 1] "on *this* day they arrived at the wilderness of Sinai," and [Ex. xii. 2] "*this* month to be to you the first of months." As in the latter instance the "this" referred to the first, so does it also in the former; furthermore (he said), all agree that the law was given to Israel on a Sabbath; this is to be adduced from the analogy of the word "remember" [Ex. xx. 8]: "*Remember* the Sabbath day to keep it holy"; and [ibid. iii. 3]: "*Remember* this day on which ye came out from Egypt." As in the latter instance the very day of their coming out of Egypt is referred to, so is it also in the former instance. Where the rabbis do differ is what day was the first of the month. R. Jossi holds

that the first of the month was set on the first of the week, and on that day no commandments were given, because the children of Israel were tired from their long journey. On the second day (of the week) the Lord said to them: "Ye shall be unto me a kingdom of priests" [Ex. xix. 1]. On the third of the week he commanded them to keep away from the mountain. On the fourth to separate themselves from their wives. The rabbis, however, hold that the first of the month was set on the second of the week; that on that day nothing was commanded the Israelites, they being tired; on the third the cited passage [Ex. xix. 1] was said; on the fourth day they were to keep away from the mountain, and on the fifth to separate themselves from their wives.

An objection was raised: It is written [Ex. xix. 10]: "Go unto the people, and sanctify them to-day and to-morrow." Is this not contradictory to the statement of R. Jossi (in whose opinion the sanctification lasted three days)? R. Jossi may explain this thus: "Moses added one day upon his own authority," as we have learned in a Boraitha: "Three things were done by Moses upon his own authority, and the Holy One, blessed be He, agreed thereto. They are: He added one day (to the period of sanctification), he separated himself from a woman, and he broke the tablets into pieces." "He added one day upon his own authority." What was his object? The Lord said unto him: "To-day and to-morrow," and he construed the words as follows: "To-day must be equal (in duration) to to-morrow; as to-morrow includes the night, so must to-day; the night, however, having already passed, another day must be added in order to make up for the lost night." Whence do we know that the Lord agreed to this? Because the Shekhina did not appear on Mount Sinai until the Sabbath morn. What was the object of Moses in separating himself from a woman? He applied the order given the Israelites (to separate themselves from their wives) to himself in a so much larger degree (*i.e.*, the order having been issued to the Israelites for the reason that they would shortly hear the word of the Lord, it would be so much more proper for him, who frequently was spoken to by the Lord, to separate himself *entirely* from a woman). And whence do we know that the Lord agreed to this also? It is written [Deut. v. 27 and 28]: "Go, say to them, Return you unto your tents. But as for thee, remain thou here by me." And what was his object in breaking the tablets? He thought: "As concerning the

Passover sacrifice, which is only one of the six hundred and thirteen commandments, it is written [Ex. xii. 43]: 'No stranger shall eat thereof,' how can I give the tablets, which contain all the commandments, to the children of Israel, who are now all renegades?" And whence do we know that the Holy One, blessed be He, agreed even to this? It is written [Ex. xxxiv. 1]: "And the Lord said unto Moses, Hew thyself two tables of stone like unto the first; and I will write upon these tables the words which were on the first tables which thou didst break." Said Resh Lakish: "'Which thou didst break' really means, 'which thou didst break rightfully.'"

Another objection was raised: It is written [Ex. xix. 11]: "And they shall be ready against the third day." According to R. Jossi it should be the fourth day. This is no objection! as it is said above that Moses added another day upon his own authority. Come and hear another objection: "The sixth means the sixth of the week and of the month." Is this not contradictory to the statement of the rabbis, who say: "The first of the month was the second day of the week?" Yea, (it may be that) this Boraitha holds to the opinion of R. Jossi.

Come and hear: On the fourteenth day of the month of Nissan, during which (month) the Israelites went out of Egypt, they killed the Passover sacrifice and on the fifteenth day they went out. On the night before that the first-born of the Egyptians were beaten. That day (the fifteenth) was the fifth of the week. Now, if the fifteenth of Nissan was the fifth of the week, we must certainly say that the first of the next month (Iar) was Sabbath and the first day of the following month (Sivan) was the first day of the week. Is this not contradictory to the statement of the rabbis, that the first day of the month was the second day of the week? The rabbis might have assumed that the month of Iar was an intercalary month.

Said R. Habibi of 'Huzunah to R. Ashi: Come and hear: It is written [Ex. xl. 17]: "And it came to pass in the first month in the second year, on the first of the month, that the tabernacle was reared up," and a Boraitha teaches that this day was crowned tenfold, viz.: "That day was the first of the six days of the creation; the first of the days on which the first prince presented his offering before the altar; the first of the days on which the priests (Aaron and sons) did their work in the sanctuary; the first day on which the children of Israel brought their sacrifices into the tabernacle; the first of the days

on which the heavenly fire descended upon the altar; the first of the days on which the priests were permitted to eat the sacrifices in the tabernacle; the first of the days on which the Shekhina appeared in the tabernacle; the first day on which Aaron the High Priest blessed the Israelites in the tabernacle; the first of the days on which sacrifices were no more permitted to be brought on the high places outside of the tabernacle, and the first day of the first of the months." Now, if the first day of this year was the first day of the week, we must say the first of Nissan of the preceding year fell on the fourth day of the week, because we have learned in another Boraitha: "Anonymous teachers say that there can be not more than four days' difference between one New Year's day and another." If a leap year intervened, then there may be a difference of five days. Is this not contradictory to the opinion of both the rabbis and R. Jossi? According to R. Jossi there were seven short months (of twenty-nine days) in that year, but according to the rabbis there were eight such months, (consequently the difference from the last year was only in two days,) as this year was an extraordinary one. (And the first day of the month Iar of the last year was on Friday.)

Another objection was raised: We have learned in the Tract Seder Aulim that on the fourteenth day of the month of Nissan, during which (month) the Israelites went out of Egypt, they killed the Passover sacrifice; on the fifteenth they went out, and that day was Friday. Now, if the first of the month of Nissan of that year was Friday, we must say that the first day of the following (Iar) month was on the first day of the week and the first of the succeeding month (Sivan) was on Monday. Is this not contradictory with R. Jossi? R. Jossi will then say that this Boraitha is in accordance with the opinion of the rabbis.

Come and hear another objection: R. Jossi says: "On the second day Moses went up on the Mount Sinai and came back. The same he did on the third day, but on the fourth day, when he came back, he remained." Came back and remained? Whence did he come back—it does not say that he went up at all? Say, then, on the fourth day he went up, came back, and remained. On the fifth he built an altar and offered a sacrifice. On the sixth he had no time. Shall we assume that he had no time because on that day the Israelites received the Torah? (If we say that the second refers to the second day of the week,

it must be a fact that the Torah was given on Friday, and would this not be a contradiction to his [R. Jossi's] own opinion ?) Nay; he had no time because the Sabbath was at hand.

A Galilean lectured in the presence of R. Hisda: Praised be the merciful God, who gave a triple law (the Pentateuch, Prophets, and Hagiographa) to a triple people (Kahanites, Levites, and Israelites) through a man who was the third child of his parents (Miriam, Aaron, and Moses), on the third day of sanctification and in the third month. We see from this that the Galilean held in accordance with the teachings of the rabbis.

It is written [Ex. xix. 17]: " And they placed themselves at the foot of the mount." Said R. Abhdimi b. Hama b. Hassa: " It appears from this passage that the Holy One, blessed be He, inclined the mountain toward the children of Israel and gave them the choice of either accepting the Torah or being buried right under the mountain." Said R. Aha b. Jacob: " This would accord us the right to protest against any punishment inflicted upon us for violating the law. (For we were compelled to accept it.)" Said Rabha: Although (at that time they were compelled to accept it), at the time of Ahasuerus (King of Persia) they accepted it voluntarily. For it is written [Esther, ix. 27]: " The Jews confirmed it as a duty, and took upon themselves and upon their seed." And it is to be explained: " They took upon themselves voluntarily what at one time they were compelled to accept." R. Simai lectured: " At that time, when Israel answered to the information of Moses, ' We will do and we will obey,' six hundred thousand angels had furnished to every one of Israel two crowns: one for the answer ' We will do,' and one for the answer ' We will obey.' Thereafter when Israel sinned (with the Golden Calf) twelve hundred thousand destroying angels descended and took them away; as it is written [Exodus, xxxiii. 6]: ' The children of Israel then stripped themselves of their ornaments (they wore) from (the time they were at) Mount Horeb.' " Said R. Hami b. R. Hanina: " For in the same passage it may be deduced that in the same place where they were furnished they were taken away from them." Said R. Johanan: All of them were given as a reward to Moses, as immediately after the verse cited it is written: " And Moses took the tent," etc. Said Resh Lakish: We hope, however, that the Holy One, blessed be He, will return them to us, as it is written [Isaiah, xxxv. 10]: " And the ransomed of the Lord shall return, and come to Zion with song, with everlasting joy upon their

head." The expression everlasting means that it was already upon their heads at the time of reception of the Torah.

R. Elazar said: At the time the Israelites said "We will do" and afterward "We will obey" a heavenly voice (Bath-kol) was heard, which said unto them: "Who unfolded unto my children this mystery known only to the angels?" For it is written [Psalms, ciii. 20]: "Bless the Lord, ye his angels, mighty in strength, that execute his word, hearkening unto the voice of his word," and from this we see that only angels can execute first and then obey.

A Sadducee once noticed Rabha studying and observed that he in his absent-mindedness held his (Rabha's) finger underneath his knee and pressed it so hard that blood spurted from the finger. Said the Sadducee* to him: "Impetuous people, whose mouths precede your ears! Ye are still of the same vehemence! Ye must first hear the Torah before you accept it and not accept without knowing its prescriptions!" Answered Rabha: We who are upright men trusted Him, as it is said of us [Proverbs, xi. 3]: "The integrity of the upright guideth them," but to those men who are continually fault-finding the latter part of the same verse [ibid., ibid.] can be applied, viz.: "But the cunning of the treacherous destroyeth them."

R. Samuel b. Na'hmeni in the name of R. Jonathan said: It is written [Solomon's Song, iv. 9]: 'Thou hast ravished my heart, O my sister, (my) bride! thou hast ravished my heart with one of thy eyes." This means: When thou didst but receive the Torah, it was with one of thy eyes. When thou wilt obey it, it will be with both of thy eyes.

R. Johanan said: It is written [Psalms, lxviii. 12]: "The Lord gave (happy) tidings; they are published by female messengers, a numerous host." This implies that every word emanating from the mighty God was heralded in seventy languages. The school of R. Ishmael, however, (adduced the same from another passage): It is written [Jeremiah, xxiii. 29]: "Is not thus my word like the fire? saith the Lord, and like a hammer that shivereth the rock?" As the hammer that strikes emits a multitude of sparks, so is every word emanating from the Holy One, blessed be He, heralded in seventy different languages.

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* It is not meant a real Sadducee, as they did not yet exist in Rabha's time, but one of the other sects which opposed the oral law; and the name may be here a correction of the censor instead of *Akum*, as there are many such corrections of the censor. It may also be another sect for which the name Sadducee was borrowed.

R. Hananel b. Papa said: It is written [Proverbs, viii. 6]: "Hear! for of noble things will I speak." Why are the words of the Torah compared to a noble? To inform us that inasmuch as a noble has in his power the disposal over life and death, so have also the words of the Torah. This is similar to what Rabha said: To those who walk in the right ways of the law, it is an elixir of life, but to those who pursue not the right way, it is the poison of death.

R. Jehoshua b. Levi said: It is written [Solomon's Song, i. 12]: "A bundle of myrrh is my friend unto me, that resteth on my bosom." Said the Congregation of Israel: "Lord of the Universe! Although my friend chastiseth * me, still he resteth on my bosom!"

The same rabbi said: "It is written [Solomon's Song, v. 13]: "His cheeks are as a bed of spices, as turrets of sweet perfumes." Every word emanating from the Holy One, blessed be He, fills the whole world with the aroma of spices. If the world was filled with the aroma arising from the first word, where could the second word go? The Holy One, blessed be He, sent forth a wind from His store, which cleared off the aroma of each word, as it is written [ibid.]: "His lips like lilies, dropping with fluid myrrh." Do not read Shoshanim (lilies) but Sheshonim (learned men). The same said again that from each word which came from the Holy One, blessed be He, the soul of Israel was going out, as it is written [ibid., ibid. 6]: "My soul had failed me while he was speaking." But the Holy One, blessed be He, has let down the dew with which He will in the future make the resurrection and bring them to life; as it is written [Psalms, lxviii. 10]: "Rain of beneficence didst thou pour down, O God!"

He also said: When Moses ascended into Heaven, said the angels before the Holy One, blessed be He, "Lord of the Universe! What has one born of a woman to do among us?"

The Lord answered: "He came to receive the Torah." Said the angels again: "Wouldst Thou give a precious thing that Thou hast preserved since nine hundred and seventy-four generations before the creation of the world to a being of flesh and blood? (It is written [Psalms, viii. 5]): What is the mortal, that thou rememberest him? and the son of man, that thou thinkest of him?" Said the Holy One, blessed be He, unto

* The Hebrew term for bundle is Tzror, and for oppressor is Tzoror; hence R. Johanan interprets Tzror as if it were Tzoror.

Moses: "Give thou them an answer!" Answered Moses before the Lord: "Lord of the Universe! What is written in the law, which Thou gavest unto me?" [Ex. xx. 2]. "I am the Lord, thy God, who have brought thee out of the land of Egypt." Moses then said to the angels: Were ye in Egypt? Have ye served Pharaoh? Of what use can the Torah be unto you? Further, what is written in the Torah [ibid. 3]: "Thou shalt have no other gods before me." Are ye among the nations that worship idols? And furthermore, what is written in the Torah? [ibid. 8]: "Remember the Sabbath day to keep it holy." Do ye any labor on the week-days? [Ibid. 7]: "Thou shalt not take the name of the Lord thy God in vain." Are ye merchants, that ye must swear? [Ibid. 13]: "Honor thy father and thy mother." Have ye fathers and mothers to honor? [Ibid. 12]: "Thou shalt not kill," etc. Is there any jealousy among you? Have ye any evil intent?

Then the angels confessed and praised the Holy One, blessed be He, as it is written [Psalms, viii. 10]: "O Eternal One, our Lord, how excellent is thy name on all the earth!" but the ending of the verse [ibid. 2], "Thou who hast set thy majesty above the heavens," is not cited in this verse. Then every one of the angels befriended Moses and each of them disclosed some mystery to him, as it is written [Psalms, lxviii. 19]: "Thou didst ascend on high, lead away captives, receive gifts among men," which means that because at first the angels called Moses one born of a woman (man), they at the close gave him gifts, and even the Angel of Death disclosed a mystery to him, as it is written [Num. xvii. 12 and 13]: "And he put on the incense, and made an atonement for the people. And he stood between the dead and the living." Now if the Angel of Death had not disclosed unto Moses this mystery, how could he have imparted it to Aaron?

Said R. Jehoshua b. Levi again: When Moses descended from Heaven, Satan came before the Holy One, blessed be He, and said: "Lord of the universe! Where is the Torah?" And the Lord answered: "I have given it to the earth." Satan descended to earth and said to it: "Where is the Torah?" And the earth answered [Job, xxviii. 23]: "God (alone) understandeth her way, and he knoweth her place." Satan then went to the sea, and the sea said: "She is not with me." He then went to the deep, and the deep answered: "Not in me is she," as it is written [ibid. 14]: "The deep saith, Not in me is she;

and the sea saith, She is not with me." [Ibid. 22]: "Perdition and death say: With our ears have we heard a report of her." Satan then ascended before the Holy One, blessed be He, and said: "Lord of the Universe! I have looked for the Torah on the whole earth and could not find it." Then said the Lord unto him: "Go unto the son of Amram." And Satan went to Moses and said to him: "Where is the Torah which the Holy One, blessed be He, gave unto thee?" And Moses answered: "Who am I, that the Holy One, blessed be He, should give me the Torah?" Said the Lord unto Moses: "Moses, art thou a liar?" Said Moses before the Lord: "Lord of the Universe! Shall I claim that Thou hast given unto me a precious thing which Thou didst fondle every day?" Said the Holy One, blessed be He, unto Moses: "Because thou hast humbled thyself, the Torah shall bear thy name," as it is written [Malachi, iii. 22]: "Remember ye the law of Moses my servant."

The same rabbi said again: When Moses ascended unto Heaven (and he was silent), the Lord said unto him: "Moses, is there no peace in thy city?" And Moses answered: "Is it then proper that a slave should salute his Master?" Said the Lord: "Still thou shouldst have wished me well." Then said Moses before the Lord [Numbers, xiv. 17]: "And now, I beseech thee, let the greatness of the power of the Lord be made manifest as thou hast spoken."

"*A string of crimson wool*," etc. Did not the passage say (Kashanim)* "like years" and not like crimson, for were it like crimson it would read Kashani? Said R. Itz'hak: "The passage is thus to be explained: The Lord said unto Israel: If your sins all lie before me as the years that have passed since the creation, they shall nevertheless become white as snow."

Rabha lectured: It is written [Isaiah, i. 18]: "Go now,† and let us reason together, said the Lord." It should not read "go now" but "come now," and not "saith the Lord" but "said the Lord." The passage should be explained: In the future the Lord will say unto Israel: Go to your ancestors and they shall rebuke you; and Israel will say before the Lord: Lord of the

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* *Shanah* in Hebrew means year (*Shanim*, plural, years). *Shany* means crimson, but the latter is used only once (Prov. xxxi. 21) in plural; the former, however, is generally used in plural, as, *for many years*. As here it is in plural (*Kashanim*) he declares it *like years*.

† In Isaac Leeser's translation of the Bible, which we use in Biblical citations, this passage is rendered "Come now," but the literal translation is "Go now."

Universe, to whom shall we go ? Shall we go to Abraham, to whom Thou hast said: "Know of a surety that thy seed shall be a stranger in a land which is not theirs, and they will make them serve," and he did not pray for us ? Shall we go to Isaac, who, when blessing Esau, said [Gen. xxvii. 40]: "And it shall come to pass that when thou shalt have the dominion thou canst break his yoke from off thy neck," and he also did not pray for us ? Shall we go to Jacob, to whom Thou didst say [Gen. xlvi. 4]: "I will go down with thee into Egypt," and not even he prayed for us ? To whom shall we go now ? Then the Lord will say unto Israel: "Inasmuch as ye have attached yourselves to me, though your sins should be as scarlet, they shall become white as snow."

Said R. Samuel b. Na'hmeni in the name of R. Jonathan: It is written [Isaiah, lxiii. 16]: "For Thou art our Father; for Abraham knoweth nothing of us, and Israel recognizeth us not; Thou, O Lord, art our Father, our Redeemer from everlasting is thy name." In the future the Holy One, blessed be He, will say to Abraham: "Thy children have sinned before me," and Abraham will answer: "Let them be wiped off (the face of the earth) for the sake of the holiness of Thy name." The Holy One, blessed be He, will then say: "I shall tell this to Jacob, who had trouble in rearing his own children; perhaps he will pay for the present generation." The Lord said to Jacob: "Thy children have sinned before me," and Jacob gave the same reply as Abraham. Then said the Lord: "Not with the aged can feeling be found, nor with the young wise counsel." The Lord then said to Isaac: "Thy children have sinned before me." Then said Isaac before the Lord: "Creator of the universe! Thou sayest my children, are they not Thine ? When they answered before Thee, 'We will do,' and (then) 'obey,' Thou calledst them 'My son, my first-born,' and now they are my children and not Thine! And furthermore, how long a time have they sinned before Thee ? Let us see; what is the duration of a man's life ? Only seventy years. Take off the twenty years that Thou dost not punish for sin and only fifty remain. Take off the nights and only twenty-five full years remain. Deduct again twelve years and six months spent in praying, eating, and in the performance of other necessities, only twelve and one-half years remain. If Thou wilt bear the whole it is well, but if not let me bear half and Thou the other half. If Thou wilt say that I must bear the whole, did I not sacrifice myself for Thee ?"

Then Israel said (unto Isaac): "For thou (alone) art our father." Said Isaac unto them: "Instead of praising me, praise ye the Holy One, blessed be He," and he pointed them on high with his finger. "There is the Lord!" Then they lifted up their eyes unto Heaven and said: Thou, O Lord, art our Father, our Redeemer from everlasting is Thy name.

R. Hyya b. Aba said in the name of R. Johanan: "Jacob deserved to go down into Egypt in iron shackles (because that is the usual way of going into exile), but his merits precluded such a thing, as it is written: "With human cords I ever drew them forward, with leading-strings of love; and I was to them as those that lift off the yoke from their jaws, and I held out unto them food" [Hosea, xi. 4].

MISHNA *V.*: The prescribed quantity for wood is as much as suffices to cook an (easily boiled) egg; for spices as much as would suffice to spice such an egg—and the different spices are counted together; nut-shells, pomegranate peel, isatis, and cochineal, as much as suffices to dye the edge of a small piece of cloth; alum, native carbonate of soda, Cimolia chalk, vegetable soap, as much as suffices to wash the edge of a small piece of cloth. R. Jehudah says as much as will suffice to remove a blood stain.

GEMARA: Have we not learned this already? Reeds, split, as much as will suffice to cook an egg? In that case we must assume that the reeds could not be used for any other purpose, but wood which can be put to a multitude of uses, as, for instance, to make the handle for a key, (should be limited to a smaller quantity). He comes to teach us that the same quantity also applies in this case.

"*Nut-shells,*" etc. Is this not a contradiction to what we have learned elsewhere, that dyes may not be carried in quantities sufficient to exhibit a sample of the color in the market? Said R. Na'hman in the name of Rabba b. Abuhu: "Because one will not take the trouble to make dye sufficient only for a sample."

"*Native carbonate,*" etc. A Boraitha in addition to this states, that coming from Alexandria but not from Anphantrin.

"*Vegetable soap*" (Ashleg). Said Samuel: "I have inquired of a number of seafaring men and they have told me that the name for it is Ashalgoh; it is found in the shells of a pearl-oyster and it is extracted with iron needles."

MISHNA *VI.*: The prescribed quantity for (aromatic) pepper

(pimento) is the least possible amount; for tar it is the same; for different kinds of spices and metals it is also the same; for the stone and the earth of the altar, torn pieces of the scroll of laws or its cover, it is also the same, because such things are generally preserved by men. R. Jehudah said: The same quantity applies to everything pertaining to the worship of idols, because it is written [Deut. xiii. 18]: "And there shall not cleave to thy hand aught of the devoted things."

GEMARA: To what use can such a small quantity of pepper be put? It may be used by one whose breath is foul.

"*For tar.*" For what purpose can tar in so small a quantity be used? It may be used by one who has the sickness Tzilchathah (an illness where only one-half of the head aches).

"*For different kinds of spices.*" The rabbis taught: The prescribed quantity both for aromatic spices as well as for ill-smelling oils is the same (least possible quantity); for purple dye also the same, and for roses only one rosebud.

"*And metals.*" Of what use are they? We have learned, R. Simon b. Elazar said: They can be used to make a goad.

"*The torn pieces of the scroll of laws.*" Said R. Jehudah: Book-worms, silk-worms, vine-worms, date-worms, and pomegranate-worms are all dangerous to human life. There was a disciple sitting before R. Johanan eating dates, and the disciple said to him: "Rabbi, there are thorns in the dates." Said the rabbi: "The date-worm (Pah) has killed this man."

MISHNA *VII.*: One who carries the chest of a spice dealer is liable for one sin-offering only, although there may be many spices in the chest. The prescribed quantity for garden seeds is the equivalent in size to a dried fig. R. Jehudah b. Bathyra said: Five different seeds. The prescribed quantity for cucumber seeds are two, for pumpkin seeds the same, for Egyptian beans the same; a living locust (which may be eaten), be it ever so small, must not be carried, but dead locusts may be carried in quantities less than a dried fig. The prescribed quantity for vineyard birds * living or dead is the smallest possible quantity, because they were preserved for medicinal purposes. R. Jehudah said: One must not carry out a living locust, (which must *not* be eaten), be it ever so small, because such locusts were kept as playthings for small children.

GEMARA: "Cucumber seeds." The rabbis taught: The

* None of the commentators can explain what kind of birds is meant.

prescribed quantity for seeds used for planting is two, but for seeds used for food it is the equivalent of a pig's mouthful. How much is a pig's mouthful ? The seeds of one cucumber. For cucumber seeds used as fuel the prescrbed quantity is as much as will suffice to cook an egg; for cucumber seeds used as counters (for figures) only two. Anonymous teachers say five.

The rabbis taught: One who carries two hairs from the tail of a horse or a cow is culpable, because the hairs are always preserved for making nets. The prescribed quantity for hog bristles is only one; for willows (used for wickerwork) two; for tree-bark * one strip.

"*R. Jehudah says: A locust* (*which must not be eaten*)," etc. Why did not the first Tana of the Mishna mention this ? Because in his opinion it is forbidden to carry it even on week-days, lest one eat it. If such is the case, why should an eatable locust be allowed to be carried ? Did not R. Kahana stand before Rabh and a small locust lighted on his lips: Rabh said to him. (R. Kahana), Take it away, lest people say that thou hast eaten it and thou hast violated the commandment [Leviticus, xi. 43]: "Ye shall not make yourselves abominable with any creeping thing that creepeth" ? Nay; there was no fear that the locust would be eaten alive, but they apprehended lest it die and then be eaten. (An eatable locust would not matter, but an uneatable locust would be a violation of the law.) If that is the case, why does R. Jehudah permit this ? R. Jehudah holds that there is no fear of the locust being eaten when dead, as the child will mourn its death.

* Rashi declares in his commentary that he does not know what it is nor for what purpose it is used. See Aruch.

CHAPTER X.

FURTHER REGULATIONS CONCERNING THE PRESCRIBED QUANTITY OF THINGS TO BE STORED.

MISHNA *I.*: One who had stored anything for planting, sampling, or medicinal purposes (before the Sabbath) and carried some of it out (into public ground) on the Sabbath, be it ever so small a quantity, is liable for a sin-offering. Any one else, however, is culpable only then if (he carried out) the prescribed quantity. Even the one who had stored is culpable only for the prescribed quantity, if he brought the thing carried out by him back (to private ground).

GEMARA: For what purpose is it said in the Mishna, "One who stored anything"? Would it not be sufficient to say, "One who carried out things intended for planting, sampling, or medicinal purposes, be the quantity ever so small, is culpable"? Said Abayi: The Mishna treats of the case of a man who, after storing the thing, forgot for what purpose he had stored it, and then carried it out into the street for any purpose whatever. Lest one say that the original intention (to store it) is abolished, and now the thing carried out has for him only the same value as for others, and he would be culpable only for carrying out the regularly prescribed quantity, it comes to teach us that one who commits a deed executes his original intention.

R. Jehudah said in the name of Samuel: R. Meir declares one who carried out only a single wheat grain, intended for sowing, culpable. Is this not self-evident? The Mishna taught: "Be it ever so small." One might presume that the term "be it ever so small" denotes something smaller than a dried fig but not smaller than an olive. R. Meir therefore informs us (that it refers even to one wheat grain). R. Itz'hak, the son of R. Jehudah, opposed this: "(We see that) the Mishna declares one culpable for an act originally intended to be performed, but now, supposing a man intended to carry out his entire household at once; is he then not culpable until he had accomplished the entire task, even if he had carried out part of it?" The answer

was: If a man has an absurd intention it is abolished by the law, and he is culpable for carrying out the prescribed quantity.

"*Any one else, however,*" etc. Our Mishna is not in accordance with that of R. Simeon b. Elazar (on page 145).

Rabha in the name of R. Na'hman said: "If one carried out a thing the size of a dried fig with the intention of eating it, but changed his mind in the meantime and then intended to sow it, or, on the contrary, first intended to sow it and then to eat it, he is culpable. Is this not self-evident? The prescribed quantity for both eating and sowing was carried. Lest one say that the removing and the depositing of a thing must be done with the very same intention in order to make one culpable, which is not so in this case, he comes to teach us that *he is* culpable.

"*If he brought the thing,*" etc. Is this not self-evident? (for he did not sow it, we then see that his original intention is abolished). Said Abayi: "The Mishna speaks of a case where the man took the thing brought from his house, and threw it into the place where his full supply was kept, and the place where he threw it remained conspicuous. Lest one say, if the place is conspicuous, his original intention is not yet abolished, because he took the same thing again, it comes to teach us that the throwing of the thing among his other supplies annulled his original intention.

MISHNA *II.*: If one intended to carry out victuals and deposited them on the doorstep, whether he afterward carried them out (into the street) himself, or this was done by some one else, he is not culpable, because he did not accomplish the deed at one time. If one deposited a basket of fruit on the outside doorstep, even if the bulk of the fruit was on the outside (in the street), he is not culpable, unless he carried out the entire basket (into the street).

GEMARA: What kind of a doorstep does the Mishna have reference to? Should we assume that the doorstep was public ground, how can the man be not culpable? He carried out from private into public ground. Should we assume that the doorstep was private ground, why does the Mishna teach that if *he* carried it out (into the street), or any one else, he is not culpable? It is again a case of carrying out from private into public ground? We must therefore assume that the doorstep was unclaimed ground, and it comes to teach us that only when the victuals were deposited on the unclaimed ground the man is not culpable, but if they had been carried out from private

into public ground, even by way of unclaimed ground, he is culpable. And the Mishna does not agree with the opinion of Ben Azai, of the following Boraitha: "One who carries out from his store into the market by way of the alley is culpable, but Ben Azai says he is not."

"*If one deposited a basket of fruit,*" etc. Said Hyzkiyah: The case in question treats only of a basket filled with cucumbers and beets, but if full of mustard seeds he is culpable. From this we see that Hyzkiyah considers a vessel no support* (*i.e.*, the cucumbers are encircled by the basket and need no support), but the mustard seeds, which are heaped up, are outside of the basket proper and not supported by it; therefore, when the basket with mustard seeds is carried outside, part of the mustard seeds are already on the outside and the carrier is culpable. R. Johanan, however, says, even if the basket contained mustard seeds, he is also not culpable. Thence we see that R. Johanan *does* consider a vessel a support. Said R. Zera: "How is it with the Mishna? It is neither of the opinion of Hyzkiyah nor of R. Johanan." Hyzkiyah may explain it in accordance with his theory and R. Johanan with *his* own. Hyzkiyah explains the Mishna, which said "unless he carries out the entire basket." This is the case if the basket is filled with cucumbers and beets, but if filled with mustard seeds it is equal to putting out the entire basket into the street, and he is culpable, but R. Johanan explained the Mishna thus: Although the bulk of the fruit is on the outside, or even if all the fruit were on the outside, the man would not be culpable unless the entire basket was put on the outside. So also said Rabha: The Mishna treats only of a basket filled with cucumbers and beets, but if filled with mustard seeds the man is culpable. Whence we see that he does not consider a vessel a support. Abayi, however, said: Even if the basket contained mustard seeds, the man is also not culpable. Whence we see that he *does* consider a vessel a support. Shall we say that Abayi adopted the system of Rabha and Rabha of Abayi, or Abayi contradicts himself and Rabha does the same? As it was taught: One who carried out fruit into public ground, Abayi said, is culpable only if he carried it out with his hand (although the body remained in public ground), but if in a vessel he is not culpable. (Why? Because Abayi does not consider the body a support to the hand, in spite of the fact that the

* The Talmudical term for "support" is "Agad," literally "bind." In the above the sense demands its rendition by "support."

hand is attached to the body, but if he carried out the fruit in a vessel and part of the vessel still remained in private ground, he is not culpable.) And Rabha says, on the contrary: If he carried the fruit out in his hand he is not culpable (because he considers the body a support and the hand is part of the body), but if he carried it out in a vessel he is culpable (because, although the vessel is still in private ground, some of the fruit is in public ground). The answer is: Reverse the case. (Say Abayi's statement should be Rabha's and Rabha's Abayi's).

MISHNA *III.*: One who carries out anything in the right or in the left hand or in his bosom or on his shoulder is culpable, as so was the manner in which the sons of Kehath carried (their burdens).* But one who carries out a thing on the back of his hand or with his foot, with his mouth, with his elbow, with his ear, with his hair, with his waist bag, the opening of which is at the bottom, or between his belt and his shirt, with the edge of his shirt, with his shoe or sandal, is not culpable, because he carries it in an unusual manner.

GEMARA: R. Elazar said: "One who carries out a burden ten spans above the ground [not on his shoulder, but in the air] is culpable, because in this manner the sons of Kehath carried their burdens." Whence do we know that the sons of Kehath carried their burdens in this way? It is written [Numb. iii. 26]: "Which is by the tabernacle and by the altar round about." Hence he compares the tabernacle to the altar. As the tabernacle was ten ells, so was also the altar ten ells; and whence do we know that the tabernacle itself was ten ells? Because it is written [Ex. xxvi. 16]: "Ten ells shall be the length of the boards." Or we may say that we know that the sons of Kehath carried their burdens in this manner from the ark, as the Master said: The ark was nine spans high, and with the cover, which was one span higher, it was ten. Experience is to the effect that when a burden was carried on the shoulders by means of poles, one-third of the burden was above the poles and two-thirds below; then as the ark was ten spans high and one-third of it was carried above the shoulders, it was certainly more than ten spans above the ground.

But let it be inferred from Moses himself, of whom it is said elsewhere that he was very tall. With Moses the case is differ-

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* Numb. iv.

ent; as the Master said elsewhere that the Shekhina does not rest upon a man unless he is a scholar, a strong, rich, or tall man.

It was taught: One who carries a burden on his head is not culpable. And if one will say that the inhabitants of the city of Hutzal do so, we may assume that their deed is abolished by the rest of mankind, who do not carry burdens on their heads.

MISHNA *IV.*: One who intends to carry something in front, but the thing moved to his back, is not culpable, but if he intends to carry it on his back and it moves to the front he is. Of a truth it was said: A woman who wears a girdle, whether she carries something in the front or in the back of it, is culpable, because the girdle invariably turns around. R. Jehudah says the same rule applies to letter-carriers.

GEMARA: Where is the difference? The main object (here is the intention). And in either case his intention was not carried out; why is he not culpable if the thing moved from the front to the back and culpable if it moved from the back to the front? Said R. Elazar: "Divide the Mishna into two parts. The second part was not taught by the same Tana as the first." Said R. Ashi: "This is no question at all. Perhaps the Mishna may be explained thus: Not only did the man intend to carry it on his back and did so, which would make him culpable, because his intention was carried out, but even if he intended to carry it on his back and it moved to the front, in which case his intention was not carried out, lest one say that then he is not culpable, it comes to teach us that when one intends to preserve the thing with little safety, and it occurs that he has done so with a proper safety, he is benefited by it; hence he is culpable."

"*Of a truth it was said.*" There is a Boraitha: Wherever it is said "Of a truth it was said," it is to be considered that so the Halakha prevails.

"*R. Jehudah says the same rule applies to letter-carriers.*" A Boraitha in addition to it states that so it is because the carriers of the government usually do so.

MISHNA *V.*: One who carries out a large loaf of bread into public ground is culpable. If two persons do this together they are both innocent, provided it could be done by one of them; if, however, they did so because it could not be done by one, both are culpable. R. Simeon, however, declares them not culpable.

GEMARA: Said R. Jehudah in the name of Rabh, according to others Abayi said, and still others say that it was learned in a Boraitha: "If of both men who carried the loaf, either was able

to carry it himself, R. Meir makes them both culpable, but R. Jehudah and R. Simeon declare them both innocent. If, of the two, neither was able (to do it himself), R. Jehudah and R. Meir declare them culpable and R. Simeon declares them free. If one of the two, however, was able, and the other unable, all agree that the able man is culpable." Whence is all this deduced? From what the rabbis taught: It is written [Lev. iv. 2]: "If any person sin," etc., *i.e.*, if he committed the whole deed but not a part of it. How so? If two persons held one pitchfork and threw grain with it, or a weaver's spindle and wove with it, or a quill and wrote with it, or a reed and carried it into public ground, one might say that they are culpable. It is written [ibid.]: "If any person sin," etc. But if two persons held a date-press, or a log, and carried them out into public ground, R. Jehudah says, if one of the two was not able to carry it himself and they both carried it, they are both culpable, but if either of them was able, both are not culpable. R. Simeon says, even if one alone is not able to carry it and they carried it out together, they are also free. For only referring to such an instance the Scriptures say: "If *any* person," etc., and it is plain that one is culpable if he performs work alone, but if two persons did one thing they are both free.

The master said: If one of the two was able to perform the work alone and the other unable, all agree that he is culpable. Which of them was culpable? R. Hisda said, the one who was able. As to the one who was unable, why should he be so? What did he? Said R. Hamnuna to R. Hisda: "Why not? Did he not assist the one who was able? Answered R. Hisda: Assisting is not of consequence (because if he alone is not able to perform the work himself, his assistance is of no value). Said R. Zbid in the name of Rabha: "We have also learned in a Boraitha in support of this argument: If one suffering from a venereal disease rides an animal, the feet of which are encased in four pieces of cloth, the pieces of cloth are not subject to defilement, for the reason that the animal is able to stand on three feet." Why are they not subject to defilement? Was not one foot a help to the other three? Hence we must assume that one of the feet must be regarded as a help to the other three; a mere help, however, not having any legal consequence cannot become defiled, and as it is impossible to determine which one of the three feet is to be regarded as a help, all four pieces of cloth encasing them are not subject to defilement.

Again the master said: If either of the two were able, R.

Meir holds them both to be culpable. The schoolmen propounded a question: "Must the object carried out by them be of double the prescribed size, *i.e.*, a prescribed size for each of them, in order to make them culpable, or does the prescribed size for one man suffice to make them both culpable? R. Hisda and R. Hamnuna (both answered): One of them held that one prescribed size suffices, and the other that it must be double in order to make them culpable, (and it is known which of them held to the former opinion and which to the latter). Said R. Ashi: "We have also learned in a Boraitha: 'Two men who carried out a reed used by a weaver (into the street) are both culpable.' Why so? Was not double the prescribed quantity necessary in order to make both culpable? Hence we must assume that the Boraitha holds one prescribed quantity to be sufficient." Said R. Aha, the son of Rabba, to R. Ashi: "What proof do you derive from this Boraitha? Perhaps it refers to a reed that was of sufficient size to cook an egg for one and another for the other?" R. Ashi answered: If such were the case, the Boraitha would say merely a "reed" and not a "reed used by a weaver." Said R. Aha again: "Perhaps the Boraitha refers to a reed of sufficient size to weave a napkin each for both of them? Therefore it were better to say that from this Boraitha we can derive no support either for one opinion or the other."

A certain scholar taught in the presence of R. Na'hman: "Two men who carried out a reed used by a weaver (into the street) are both not culpable." R. Simeon, however, declares them culpable. How can this be? (Is this not contrary to R. Simeon's usage?) Read then (on the contrary), the scholars said they are culpable and R. Simeon said they are not.

MISHNA *VI.*: If one carry victuals of less than the prescribed quantity in a vessel (out into the street) he is not culpable even of (carrying) the vessel, for the vessel is of no consequence to the victuals. If he carried a person on a litter he is not culpable even of (carrying) the litter, because the litter is of no consequence to the person. If he carried a corpse on a cot he is culpable. The same is the case if (he carries) a part of the corpse of the size of an olive or of a carcass the size of an olive and of a reptile the size of a lentil. R. Simeon declares all of them free.

GEMARA: The rabbis taught: "If a man carry out victuals of the prescribed quantity in a vessel, he is culpable of carrying the victuals, but not of (carrying) the vessel, because the vessel is of no consequence to the victuals; but if the victuals are such that

they cannot be carried otherwise than in a vessel, he is culpable of (carrying) the vessel also." Shall we assume from this teaching that if one ate two pieces of tallow each the size of an olive at different times through forgetfulness (and was not reminded of his sin between both times of eating), he is bound to bring two sin-offerings? Said R. Ashi: In the case of the man who is culpable of (carrying) both the victuals and the vessel, it must be assumed that he carried them through forgetfulness and was subsequently reminded of having carried only one of them (but forgot about the other); later he was reminded of having carried the other also, and according to the opinion of the teacher of this Boraitha, he is culpable and bound to bring two sin-offerings, one for each time he was reminded. The same difference of opinion exists here as we have seen existed between R. Johanan and R. Simeon b. Lakish (in the chapter concerning the general rule of Sabbath).

"*If he carried a person in a litter,*" etc. Shall we assume that the Mishna is in accordance with R. Nathan and not with the rabbis of the following Boraitha? "If one carried out an animal or a bird (into the street), whether alive or slaughtered, he is liable." R. Nathan, however, says: "For (carrying out) a slaughtered (animal or bird) he is culpable, but not for one that is alive, because a live creature carries itself." Said Rabha: "It may be said the Mishna is in accordance with the rabbis of the Boraitha cited, as they differ with R. Nathan only concerning animals or birds, which usually struggle to get loose and thus become a burden; but concerning a person, who is carried and agrees to being carried, and virtually carries himself, the rabbis yield to R. Nathan."

Said R. Ada b. Ahba to Rabha: How will, in your opinion, the statement in our Mishna be made plain: "Ben Bathyra permits the selling of a horse to a Gentile, and a Boraitha, in addition to this, states that the reason that Ben Bathyra permits this is because the Gentile will not perform any work with the horse on a Sabbath that would involve the liability of a sin-offering (for a horse is used for riding only, and when a person rides a horse the person virtually carries himself, and hence is no burden to the horse), and R. Johanan says that Ben Bathyra and R. Nathan said (practically) the same thing." Now, if in your opinion the rabbis differ with R. Nathan only in the matter of animals and birds, because when carried they struggle for freedom, but agree with him in the matter of a person, why does R. Johanan say that only Ben Bathyra and R. Nathan say the same thing? Did not the

rabbis also admit this? (The answer was:) R. Johanan said that Ben Bathyra in permitting a horse to be sold to a Gentile referred to one which was used only for carrying falcons. Are there then such horses? Yea; they are to be found at the Zaidons'.*

R. Johanan said: Even R. Nathan holds a man culpable if he carries a person, animal, or bird that is bound.

"*If he carried a corpse,*" etc. Said Rabba b. b. Hana in the name of R. Johanan, and the same was said by R. Joseph in the name of R. Simeon b. Lakish: R. Simeon frees one, even if he carries out a corpse for burial. Said Rabha: "Even R. Simeon concedes that if one carry out a spade to dig a grave with, or a scroll to read from, he is culpable." Is this not self-evident? Should we then assume that according to R. Simeon's opinion even this kind of labor is not labor for its own sake, how can we find any labor for its own sake which in the opinion of R. Simeon would involve the liability of a sin-offering? Lest one say that R. Simeon does not hold a man culpable for carrying a thing unless the work done with the thing is both for the man's sake and also for the sake of the thing itself—for instance, if the spade was needed for digging and also had to be sharpened, or the scroll had to be examined and used for reading—hence he informs us that such is not the case.

There was a corpse in Drokra † and R. Na'hman b. Itz'hak permitted it to be carried out into unclaimed ground. Said R. Johanan, the brother of Mar, son of Rabhina, to R. Na'hman b. Itz'hak: "According to which Tana's opinion do you act? According to R. Simeon? Did R. Simeon allow this? He only stated that the act does not involve the liability of a sin-offering, but he did not permit it to start with?" R. Na'hman answered: By the Lord! You yourself, and even R. Jehudah, would allow this to be done the same as I did; did I say that it was to be carried into public ground? I said unclaimed ground! Do not forget that this was also for the sake of the honor due a human being, of which it is said: "*Precious is the honor of man, and for its sake even a direct commandment of the Scripture may be circumvened!*"

MISHNA *VII.*: One who pares his finger-nails, either by

* The text reads *Vaidon;* Luria corrects this to read Zaidon, as we have adopted, which means a falconer's horse. Hai, the Gaon, however corrects it Bazaidon, because a falconer in the Persian language is Baz, and one who occupies himself by hunting for birds is called Bazaidon.

† Name of a city.

means of his nails or by means of his teeth; also one who plucks hair from his head, beard, or lip; also a woman who braids her hair, or paints her eyebrows, or parts her hair, is, according to R. Eliezer, culpable. The sages, however, declare this to be (prohibited only by rabbinical law) as a precautionary measure.

GEMARA: Said R. Elazar: "The difference of opinion exists only in the case of paring the finger-nails by means of the nails, but if taken off with an instrument (all agree) that he is culpable." Is this not self-evident? Is it not plainly written in the Mishna, if he pares his finger-nails, one by means of the others? One might think that the difference of opinion is also concerning an instrument, and the reason the Mishna does not mention an instrument is only to show the firmness of R. Eliezer in prohibiting the paring of finger-nails even with one's own nails. He informs us that the difference of opinion is concerning the nails only. R. Elazar said furthermore: "The difference of opinion is only concerning a man's paring his own finger-nails, but if he pared another's all agree that he is not culpable. (The reason for this is because when paring one's own finger-nails a man can make them look as if trimmed with an instrument, but when trimming another's this is not possible.)" Is this not self-evident? Did not the Mishna say plainly: "His own finger-nails"? Nay. One might think that according to the opinion of R. Eliezer the trimming of another's finger-nails also makes one culpable, but the Mishna, stating plainly "his own finger-nails," intends only to show the firmness of the rabbis in making not culpable even those who pare their own nails; therefore he informs that such is not the case.

"*Also one who plucks hair from his head,*" etc. There is a Boraitha: "One who cuts off a scissorsful of hair from his head on the Sabbath is culpable." How much is a scissorsful supposed to be? Two hairs. R. Eliezer says: "One." The rabbis agree with R. Eliezer that in case one gray hair is plucked from a number of black hairs a man is culpable even for one, and not only on Sabbath but even on week days it is also prohibited, as it is written [Deut. xxii. 5]: "And a man shall not put on a woman's garment."

We have learned in a Boraitha, R. Simeon b. Elazar said: "If a finger-nail become separated from the finger of its own accord, a man may remove the adhering part, providing the greater part of the nail was separated. He may do this with his fingers, but not with an instrument. If he did it, however, with an instru-

ment, he is not liable for a sin-offering. If the smaller part only was separated, he may not remove it. If he did so, however, with his fingers, he is not culpable, but with an instrument he is. Said R. Jehudah : " The Halakha prevails in accordance with R. Simeon b. Elazar." Said Rabba b. b. Hana in the name of R. Johanan " Provided the nail was bent upward and was troublesome."

"Also a woman who braids her hair," etc. In what category can her work be counted ? Said R. Abuhu : " It was explained to me by R. Jossi b. Hanina : ' Painting the eyebrows comes in the class of work enumerated as dyeing, braiding, and parting the hair in the class of building.' " Is this the manner of building ? Yea ; as R. Simeon b. Menassia taught : It is written [Gen. ii. 22] : " And the Lord God formed * the rib which he had taken from the man." From this may be adduced that the Holy One, blessed be He, braided the hair of Eve and brought her to Adam. For in the seaports hair braiding and dressing is called building.

We have learned in a Boraitha, R. Simeon b. Elazar said : " Braiding the hair, painting the eyebrows, and parting the hair, if done for herself, does not make her culpable (because it cannot be properly termed building) ; but if done for another it does make her culpable." Furthermore, R. Simeon b. Elazar said in the name of R. Eliezer : " A woman shall not put red dye on her face, because that constitutes painting."

The rabbis taught : If one milked a cow and then made cheese of the milk to the size of a dried fig ; if he swept a floor or dampened a floor (to lay the dust) ; or if he removed honeycombs from a beehive, his case is as follows : If he performed these acts unintentionally on Sabbath, he is bound to bring a sin-offering, and if he did all this intentionally on a biblical feast-day, he shall receive forty stripes. Such is the opinion of R. Eliezer, but the sages said : " All this is only prohibited by rabbinical law as a precautionary measure." (Says the Gemara :) Now the ordinance having prevailed according to the opinion of R. Simeon, all these acts are not prohibited at all.

MISHNA *VIII.* : One who plucks something from a perforated flower-pot is culpable ; from a flower-pot that is not perforated he is not culpable. R. Simeon held him not culpable in both cases.

Abayi put a contradictory question to Rabha, according to others R. Hyya b. Rabh to his father Rabh : " The Mishna states

* The Hebrew word for "formed" is "Vayiven," literally "built."

that R. Simeon holds one not culpable in either case. From this we see well that to R. Simeon a perforated or a solid flower-pot is one and the same thing. We have learned in another Boraitha: R. Simeon said that there is no difference between a perforated and a solid flower-pot except to make the seeds grown in the flower-pot subject to defilement (*i.e.*, in a solid flower-pot the seeds are not accounted as seeds). Hence there is a difference between the pots in the opinion of R. Simeon." The answer was: In all cases except defilement R. Simeon regards seeds in either a perforated or a solid flower-pot as loose (*i.e.*, detached from the ground). In the case of defilement, however, it is different, because the Scriptures themselves added a special provision regarding defilement of seeds, as it is written [Lev. xi. 37]: "And if any part of their carcass fall upon any sowing-seed which hath been sown, it shall be clean."

END OF VOLUME I.